

**TRUMP'S
CHUMPS**
ANDREW FERGUSON

the weekly

Standard

DECEMBER 12, 2016

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**THE DEATH
OF FIDEL CASTRO**

**Elliott Abrams
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Gaines and Losses

Chip and Joanna Gaines are at the height of their popularity. They host the well-liked remodeling show *Fixer Upper* on HGTV, have a bestselling book, and recently appeared on the cover of *People*. They are also devout Christians from Waco, Texas, so it was probably just a matter of time before the left launched a cultural inquisition against them.

It happened like this: On November 26, Kevin Fallon, senior entertainment reporter for the *Daily Beast*, tweeted, “My blood-boiling suspicion that every couple featured voted for Trump has ruined [HGTV’s] *House Hunters* for me.” *BuzzFeed*’s entertainment reporter Kate Aurthur responded, “and *Fixer Upper*.” On November 29, Aurthur posted a story at *BuzzFeed* headlined “Chip and Joanna Gaines’ Church Is Firmly Against Same-Sex Marriage.” The ravenous online ecosystem started feasting—it was picked up by *Cosmopolitan*, *Us Weekly*, and *Jezebel* among others. Never mind

that the *BuzzFeed* piece had reported nothing of substance except statements from the couple’s pastor reaffirming biblical sexual ethics. The point of the story is summed up in this paragraph:

So are the Gaineses against same-sex marriage? And would they ever feature a same-sex couple on the show, as have HGTV’s *House Hunters* and *Property Brothers*? Emails to Brock Murphy, the public relations director at their company, Magnolia, were not returned. Nor were emails and calls to HGTV’s PR department.

If that sounds like an incredibly thin reed to hang a story on, consider that in 2013 the satirists at the *Onion* ran a piece titled “The Onion Once Again Condemns Actor Eric Bana For His Continued Silence On The Issue Of Gay Marriage.” It was a joke.

However, Aurthur undoubtedly knew there was already a template in place for a public shaming campaign. In 2014, HGTV canceled David and

Jason Benham’s show *Flip It Forward* one day after a blog noted that the hosts’ father was director of Operation Save America, a Christian activist organization, and that the Benham brothers had attended or led abortion and same-sex marriage protests.

But that was then, and it’s Trump’s America now. NBC News reporter Benji Sarlin observed of the *BuzzFeed* hit, the “HGTV thing gets to something I heard from Trump voters: Fear of being publicly shamed by sudden new standard.” *BuzzFeed*’s editor, Ben Smith, spent much of the day engaging critics on Twitter trying to do damage control, but by the next day the number of voices condemning *BuzzFeed*—even some from the left—was a deafening chorus. The *Washington Post*, where just a few years ago the ombudsman said there was no obligation to report both sides of the same-sex marriage debate, published an op-ed by a gay Christian, Brandon Ambrosino, “*BuzzFeed*’s hit piece on Chip and Joanna Gaines is dangerous.” Ambrosino did not pull punches:

The minds at *BuzzFeed* are not naive: They know that the Gaineses and HGTV are going to have to come out with a public statement on same-sex marriage. They also know that if the statement is not 100 percent supportive of same-sex marriage, the network will be pressured to drop them.

Think about that for a moment. Is the suggestion here that 40 percent of Americans are unemployable because of their religious convictions on marriage? That the companies that employ them deserve to be boycotted until they yield to the other side of the debate—a side, we should note, that is only slightly larger than the one being shouted down?

As of this writing, HGTV has taken no action. But it’s clear from the wide condemnations that *BuzzFeed* has taken a big hit. Deservedly so. The media’s culture warriors need to learn that you don’t spread tolerance, religious or otherwise, by constantly hunting for heretics. ♦

DREW ANGERER / GETTY

What They Were Thinking

NORMALLY THE FOURTH SCALLOP WOULD GO TO THE LADY OR THE PERSON PAYING FOR THE MEAL. ON THE OTHER HAND...

I WOULD KILL FOR A MARTINI RIGHT NOW.



Reince Priebus, Donald Trump, and Mitt Romney dine at Jean-Georges restaurant, Nov. 29.

The Father of the Big Mac

It was not a great year for McDonald's in 2004. The company was still recovering from a sales slump and management crisis when a comedian/political activist named Morgan Spurlock released a documentary (*Super Size Me*) in which he filmed himself consuming three McDonald's meals a day for one month, thereby gaining 25 pounds and claiming to suffer from depression. Then, suddenly, 60-year-old McDonald's CEO James Cantalupo died of a heart attack—leading to morbid merriment on the nanny-state left.

Which is why *THE SCRAPBOOK* takes some melancholy pleasure in noting the passing last week of Jim Delligatti, a McDonald's franchise owner in Pennsylvania and inventor of the Big Mac. Of course, the Big Mac is not to everybody's taste—or, at 540 calories apiece, the ideal meal on a daily basis. But even as the fast-food universe continues to expand, the 50-year-old Big Mac remains the best-known, and likely bestselling, fast-food sandwich in America, probably in the world. And the source of *THE SCRAPBOOK*'s “melancholy pleasure,” we hasten to add, is that Mr. Delligatti was a venerable 98 years old when he died.

His long life, in fact, is an object lesson on two fronts. First, as a franchise owner, he was quick to recognize that his customers wanted something the McDonald's menu didn't provide; and the McDonald's Corporation—for all its vaunted uniformity and central control—was smart enough to embrace Delligatti's innovation. And second, Delligatti faithfully consumed his invention for decades. But once a week or so, according to his son, and not three times a day, like Morgan Spurlock.

In *THE SCRAPBOOK*'s view, that's a minor, but critical, point. Pop culture, like *Super Size Me*, and public nags like ex-New York mayor Michael Bloomberg and the Center for Science in the Public Interest, always assume the worst of Americans when it comes to fast food. No one would



dispute that some of the more notorious offerings out there—those fried chicken buckets, Denny's Grand Slam, Big Gulp, etc.—are loaded with calories and sugars and fats and are not especially good for you. But the vast majority of Americans consume them on an occasional basis—not daily, or three times a week, or especially three times a day. Indeed, *THE SCRAPBOOK* always assumes that its fellow countrymen are considerably more sensible—about fast food, among many other things—than the Bloombergs and Spurlocks among us tend to believe.

Of course, Jim Delligatti knew that for nearly a century. ♦

Woefully Out of Touch

THE SCRAPBOOK has slowly begun to grow accustomed to the idea that Donald Trump—Donald Trump!—is going to be sworn in next month as president of the United States. What we continue to be shocked by is how out of touch the entire Democratic party appears to be. Had we understood just how clueless they were, the election result might not have been so shocking.

Let's start with the sitting president. There is always a danger that presidents will become cocooned and out of touch after years in the White House, and certainly Barack Obama's

arrogance gave reason to believe that this might become an issue for him. And it has! The president recently granted an interview to *Rolling Stone* that confirmed an astonishing estrangement from the real world. Discussing Trump's victory, he offered this theory: "Part of it is Fox News in every bar and restaurant in big chunks of the country."

What, pray tell, is he talking about? "Hey, barkeep, can you turn off the game—Megyn Kelly is on," is a statement we're confident has not yet been uttered from any barstool in America. Occasionally in airports or hospital waiting rooms, the supposedly neutral CNN is inflicted on unsuspecting citizens, but opportunities to see Fox, much less any cable news, in public spaces are pretty rare. Fox may be the highest-rated cable news network, but its ratings are small potatoes compared to network news and minute compared with TV entertainment.

Also, how many times has Obama now singled out Fox News during his presidency? The White House even tried to shut them out of the press briefings at one point. Donald Trump has done the same sort of thing but with this key difference: Whenever Trump attacks, say, CNN, the entire media reflexively condemn him. Obama, to very little notice, has spent the last eight years pretending that the fact millions of people seek out media sources presenting views opposing him is an affront.

Rolling Stone also asked Obama about the challenges posed by a fracturing media landscape. In response, the president floated the crackpot idea of government subsidies for media—while also attempting to strike an optimistic note. "Good journalism continues to this day," he said. "There's great work done in *Rolling Stone*." Perhaps he was being polite because *Rolling Stone* has put him on its cover an absurd 10 times. But we're honestly not sure he's even aware that the magazine just lost a staggering libel lawsuit.

The irony, of course, is that *Rolling Stone*'s infamously bogus report about

campus rape was in many ways an extension of the White House agenda. Obama spent a lot of time talking about campus sexual assault, including pushing fake stats—such as the idea that one in five college women are sexually assaulted—long after the stats were exposed as meretricious. (The cynical among us will note that the White House push to exaggerate campus sexual assault dovetailed nicely with the Democratic party's obsessive quest for the votes of young single women.) Campus sexual assault is a serious problem—all the more reason not to hype it, and no reason at all to slander an entire generation of young men while you're at it.

The liberal narrative du jour is that fake news sites gamed Facebook's algorithms to somehow swing the election to Trump. With their hero president pointing to the "great work" of *Rolling Stone* as a counterexample, we'd offer terminal cluelessness as a more plausible explanation. ♦

Upscale Graffiti

A crime report in the *Philadelphia Inquirer* last week caught THE SCRAPBOOK's eye:

Duncan Lloyd, an assistant city solicitor, was identified in surveillance footage that captured Lloyd and a second man walking along Germantown Avenue in Chestnut Hill on Nov 25. In the footage, Lloyd is seen wearing a blue blazer and holding a glass of wine, filming or taking photos, while a second man spray paints "F— Trump," on the wall of a newly opened Fresh Grocer.

While that's quite the tableau on its own, we commend reporter Julia Terruso for going the extra mile and soliciting a statement from the local GOP. And boy, was it worth it:

"If the image of an upper-middle-class city attorney clad in a blazer and sipping wine while vandalizing an upscale grocery store with an anti-Trump message strikes you as perhaps the most bourgeois sight imaginable, that's because it is," said Joe DeFelice, chairman of the Philadelphia Republican Party. ♦

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Do You See What I See?

Growing up in *mitte* middle-class New Jersey, I spent much of my adolescence riddled with an unbecoming status anxiety. I was forever worried that not having the right clothes, or the right backpack, or the right sunglasses, would mark me as not belonging to the smart set. The fact that there was no smart set—and that if there had been, I wouldn't have belonged anyway—was lost on me.

This class consciousness was so pervasive that it even influenced my taste in Christmas decorations. I grew up in a colored-lights family. But when my status anxiety manifested around age 14, I persuaded them to switch our tree to white lights.

This change was not undertaken lightly. You are either a colored-lights family or a white-lights family, and changing your Christmas tree light color is like changing your religion or your political affiliation—it's something people do, at most, once in their lives. But white lights seemed classier to my teenaged self, so I petitioned the family, and we made the switch.

My brother and sister were similarly inclined, and the three of us had a bemused contempt for people who decorated the exterior of their homes in what we thought to be an undignified manner. Large colored lights, inflatable Santas, blinking reindeer, those ubiquitous, light-up candy-canes. To us, the yuletide ideal was a single white electric candle in each window of the house. For whatever reason, it seemed classy.

I now live on a little cul-de-sac in exurban Virginia that is the exact opposite of classy. My neighborhood features the whole parade of horrors:

blinking, flashing lights; inflatable lawn sculptures the size of igloos; one house has an illuminated trio of Star Wars characters posed as the Three Wise Men on the front lawn. And my neighbors love to share.

After the first Christmas, when I didn't put up any decorations outside our house, the lady next door—a



sweet, Christian Secret Service agent—presented me with a shiny, four-foot-tall aluminum Snoopy, ringed by blinking lights. I tried to demur, but she insisted not only on giving it to me but helping me set it up, too. I was both touched and horrified.

When she moved away, blinking Snoopy went up into the attic, and we went back to having no Christmas decorations. I thought this was perfectly normal. My neighbors did not.

Rich asked me about it a couple years ago. “Is there something wrong?” he asked—in a sympathetic, not sarcastic—tone. “Do you just not like Christmas?” Rich lives in the pipe-stem next to us and is such an enthusiastic Christmas decorator that he spends the weekend before Thanksgiving every year crawling around the

roof of his house to trim the entire structure in dangling icicle lights.

But that's just the start. As I write this, I'm gazing out at Rich's front lawn. There are 10 reindeer, 5 snowmen, 3 peacocks, an Eiffel Tower, and much, much more. Rich's lawn menagerie has grown over the years so that it eventually spilled over into his next-door neighbor Michelle's property. This year, he outgrew her yard, too. Over the summer, a nice Muslim family from Afghanistan moved into the house on the other side of Michelle. Their front yard is now home to the overflow of Rich's overflow decorations.

And so, shamed by Rich's example and my Muslim neighbors' good cheer and forbearance, this year I bought a Christmas decoration for the outside of the house. It's a laser projector that shines thousands of tiny, moving red and green dots on the façade of the house. And this is not just any projector: It's the one “As Seen on TV.” Which makes it extra not-classy.

The overall effect is not subtle. The lasers aren't powerful enough to be seen from space, but the box says that you shouldn't use them if you live within 10 nautical miles of an airport. If you want to picture the aesthetic, imagine the North Pole if Kris Kringle ran a disco that doubled as a strip club.

It's tacky. It's terrible. And I loved it so much that five minutes after setting it up, I ordered a second one.

I don't know if this is a sign that I've finally outgrown my status anxiety. Or given up on being part of the smart set. A sociologist might say that I've simply reanchored my social norms.

But whatever the case, I'm awfully cheery this Advent. And next year I might even petition the family to change our tree to colored lights.

JONATHAN V. LAST

Governing Matters Most

We shall not shock anyone, we shall merely expose ourselves to good-natured or at any rate harmless ridicule, if we acknowledge that we were startled, in our callow youth, by a suggestion from a professor. The comment came from Adam Ulam, the distinguished scholar of Soviet foreign policy. In response to a question in class, he offhandedly noted that America might have been better off, at least in terms of Cold War policy, if the loser rather than the winner had prevailed in most of the recent presidential elections. He then went on (as I recall) to entertain us with a somewhat lighthearted and of course speculative account of how a Dewey administration might have deterred the Korean war, a Stevenson administration might not have broken with Britain over Suez, a Nixon administration might not have tempted Khrushchev to provoke the Cuban missile crisis, and a Goldwater administration might have kept us out of Vietnam.

I remember being a bit shocked by all this, though in retrospect it's hard to see why. Except that, as a young man, I was presumably in thrall to the common dual fallacy that, somehow, what happened in the past had to have happened, and that what happened in the past should have happened. Or as Machiavelli put it, "the vulgar are taken in by the appearance and the outcome of a thing, and in the world there is no one but the vulgar."

Donald Trump's victory might seem to confirm Machiavelli's judgment of the omnipresence of the vulgar. But it's increasingly clear that it will be important, going forward, not to judge by mere appearance or short-term outcome.

This means, for example, not assuming that just because Trump won the election, all his public policies are therefore correct, his political judgments infallible, or his rhetorical arts irresistible. But it also means not falling into the reverse set of errors. It means understanding that while many of his tweets may be foolish, several of his appointments may be impressive; that a chaotic White House isn't inconsistent with a successful administration; that a president who has little interest in

constitutionalism might still have a presidency during which we see a reinvigoration of constitutional forms and authorities (as Christopher DeMuth recently put it, "one of the many astonishing results of Donald Trump's presidential campaign and the Republican sweep on Election Day is that they have set the stage for a constitutional revival"); that a man who has shown little interest in governing might—might!—turn out to have some appreciation for the importance of governing.

On this last point, we take heart from Donald Trump's remarks on election night: "It's been what they call a historic event, but to be really historic, we have to do a great job. And I promise you that I will not let you down. We will do a great job. We will do a great job." Ronald Reagan was a historic president not because he won an election victory over Jimmy Carter. He was a historic president because he did a great job. He was a historic president because his economic policies worked, and because we won the Cold War.

Results matter. As the economist Lawrence Lindsey put it recently in a client memo, after delivering an interesting analysis of the 2016 election results, the fact is that Republicans' future strategy and electoral prospects will be "determined for them by Trump's *performance*. If he delivers what he promised to Midwestern voters in terms of the economy, the Blue Wall will become purple and maybe slightly reddish—a ticket to victory. It would also doubtless help the Republicans in the rest of the country. But if Trump fails on the economy, particularly in the Midwest, the Republicans will be out in the wilderness for a long time."

If Trump performs well, if he governs successfully, a future Adam Ulam will have a hard time arguing that the country would probably have been better off if Trump hadn't won. Donald Trump is all about winning. But now winning is all about governing. And as I suspect Machiavelli would admit, or even assert, at the end of the day appearances only take you so far. Reality matters most. And so, governing matters most.

—William Kristol



'In the world there is no one but the vulgar.'

Trump's Chumps

The Fourth Estate, but last in the hearts of their countrymen. **BY ANDREW FERGUSON**

Among the many offenses that modern architecture has committed against Pennsylvania Avenue in downtown Washington—America's main street, we like to call it—is a glass 'n' stone 'n' steel box that houses a museum about news gathering called, unfortunately, the Newseum. Funded by the *New York Times*, Hearst, ABC News, Comcast, CBS News, Time Warner, and every worthy journalism non-profit in the land, the Newseum is the establishment press's monument to itself—a mirror into which every mainstream reporter and editor can peer with an admiring gaze.

From the front of the building hangs a five-story-high sheet of marble inscribed with the First Amendment, in letters that are easily as tall as an early hominid. You can't miss it. You're not supposed to miss it. The display reflects the premise of the museum: that the "free press" mentioned in and protected by the Constitution is identical to the kind of corporate entities that paid for the museum.

It's a silly conceit, and only a business as powerful and unavoidable as national journalism could get away with it for so long. But has the journalistic establishment at last met its match in the buffoonish figure of Donald Trump? Consciously or not, Trump has used the interregnum between Election Day and Inauguration Day to subvert and, in some cases, even deal a death blow to many of the standard conventions of political journalism.

His most famous weapon is the tweet, those midnight brain belches that suddenly erupt from Trump Tower and are turned into instant

news by a panting press corps. *Politico's* press critic, Jack Shafer, suspects that Trump's tweets, even the strange ones, are strategically provocative, designed to throw reporters off the scent of real Trump stories (his business entanglements, the settlement of the Trump University lawsuit) by giv-



Donald J. Trump
@realDonaldTrump

Very rude and insulting of Hamilton cast member to treat our great future V.P. Mike Pence to a theater lecture. Couldn't even memorize lines!

11/19/16, 7:32 PM

2,861 RETWEETS 9,202 LIKES

ing them something more immediate, sensational, and easier to cover. Shafer is probably giving Trump too much credit, but there's no doubting that our president-elect provokes a response from his intended audience.

And who is that? The common thought is that Trump uses Twitter to go over the heads of the reporters who cover him to reach the public unfiltered. Just as often, though, the reporters are his primary audience; the secondary audience is the general public, few of whom obsessively check a Twitter account the way reporters do. But the public can distinguish between a tweet and the reaction to it. For an ordinary person, the news isn't merely what Trump tweets, it's also the hyperventilation he provokes from the press. The second is usually crazier than the first.

Remember when a cast member of the musical *Hamilton* gave a pompous

lecture to Vice President-elect Pence from a Broadway stage? If you've forgotten the lecture you probably remember the tweet that Trump fired off when he learned about it ("Our wonderful future V.P. Mike Pence was harassed last night at the theater by the cast of *Hamilton*, cameras blazing. This should not happen!"). And then you might remember the reaction of the press to Trump's reaction.

The *New Yorker's* Washington correspondent called Trump's tweet "unhinged and bizarre." News readers on NPR nearly choked with indignation. When Trump briefly appeared in public the next day, the questions from the press pen were all about the tweet. (Aleppo was crumbling, children's hospitals in Syria were bombed to rubble . . . *but Mr. President-elect, what about Broadway?*) CNN said Trump had "lashed out" at "Americans exercising their constitutionally guaranteed right to freedom of expression." The political correspondent for *New York* magazine stilled his trembling fingers long enough to tweet that Trump had offered "a terrifying glimpse of how he could attempt to suppress free speech."

My guess is that most people took Trump's tweet for what it was—an unnecessary but well-meaning rebuke aimed at the bad manners of a sanctimonious showbiz fop. The reaction from the press, on the other hand, offered a terrifying glimpse into how bizarre and unhinged the press can be when Donald Trump mouths off.

Then Trump saw a Fox News story (he evidently sees no other kind) about an otherwise obscure incident of flag burning. Flag burning should be illegal, he tweeted, and should be punished with perhaps a penalty of a year in jail and "loss of citizenship," however the hell that would work. Details to come: Twitter only gives you 140 characters, after all.

The reaction of mainstream reporters and commentators was an unlikely mix of sputtering rage and sniffy pedantry. They couldn't have been angrier if Trump burned the flag himself. Didn't Trump know the Supreme

Andrew Ferguson is a senior editor at THE WEEKLY STANDARD.

Court had ruled flag burning constitutionally protected speech? Didn't he know his hero Antonin Scalia supported that decision? Didn't Trump know the president can't unilaterally render an action illegal?

Let's assume Trump didn't know these things—doubtful but possible. The press's corrective was appropriate on the merits. But it was comically overheated. “Donald Trump v. The First Amendment,” headlined the *Washington Post*. *New York* magazine: “Donald Trump Wants You to Burn the Flag While He Burns the Constitution.” The *New York Times* could barely contain its condescension: “Mr. Trump, Meet the Constitution.”

Missing in all this was what the modern press prides itself on providing its lumbering readers: context. Few of the horrified reporters and editorialists seemed to recognize that a large majority of Americans almost certainly share Trump's revulsion at flag burning and would like to see it sanctioned—and probably regret that the Supreme Court has foreclosed the option. The public saw an offensive and unpatriotic act and the president-elect's righteous reaction to it; the press saw the stirrings of authoritarianism. One view was moralistic. The other was a paranoid fantasy. And just as moralistic.

With a tweet here and a tweet there, and with a reliably hair-trigger hysteria from the press only 140 characters away, Trump is happily driving a wedge between the news media and their intended customers. As if they weren't already unpopular enough! The dawning Trump era is pushing the mainstream press further and further to the margins of the conversation Americans think is worth paying attention to.

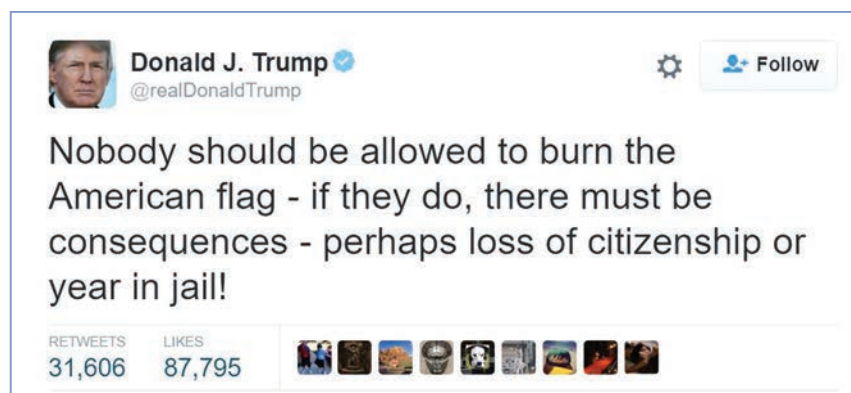
And Trump can be pretty cruel about this denigration of the press—and subtler than you'd expect. Since the election dozens of reporters and camera crews have been corralled behind rope lines in the gleaming, hideous lobby of Trump Tower. There they are treated to a daily parade of office-seekers, from David Petraeus to Rudy Giuliani, supplicants willing

to humiliate themselves in a perp walk so they can gaze meaningfully into the eyes of the president-elect.

The Trump Tower perp walks make for a textbook case of the pseudo-event: an ostensibly naturally occurring episode that in fact is being staged to create what appears to be a real news story. A fire is a news story; a press conference called by firefighters to discuss fire prevention is a pseudo-event. It's the same in Trump Tower: When Mr. X or Ms. Y is appointed to a real job, that's a real news story. When Mr. X is “being mentioned” for a job and the press reports the mentioning as if it were news, that is a pseudo-event.

think might happen tomorrow”—in other words, from concrete reporting to “analysis and context” to blue-sky speculation. With very little real news coming from Trump Tower, the public gets to see the press forced into its weakest posture, getting excited over nothing. They look even more desperate than usual. Thanks, Trump!

Or consider another great convention of political news reporting: the postelection rapprochement. After the heat of the campaign, the victor calls in members of the press, singly or in groups, to show there are no hard feelings and pledge a shining future of mutual cooperation. By their



In the 50 years since the historian Daniel Boorstin coined the phrase, the news media have become connoisseurs of pseudo-events, promoting empty occasions manipulated by marketers and corporate flacks and political activists and sometimes by the news media themselves. On any given day the bulk of published news is a dog's breakfast of pseudo-events. The continuous elevation of non-news into news, the confusion of the trivial with the important, is one reason why American news reporting is so boring and its practitioners so often ridiculous.

Trump has staged this pseudo-event in his own lobby, and the dutiful reporters, who must pretend the perp walk and the “mentioning” are news, don't know they are being mocked. Over two generations the press have gone from defining news as “what happened yesterday” to “what we think might happen later” to “what other unnamed people tell us they

own testimony, this is what the TV news readers, personalities, and executives expected when Trump summoned the whole flock of peacocks to an audience in Trump Tower on November 21. In keeping with the hypocrisy of the establishment media—transparency for thee but not for me—the meeting was off the record. But we do know that the peacocks, prepared for the usual sucking up, got a dressing down.

An anonymous source described the meeting to Daniel Halper of the *New York Post*. The peacocks tried to ask about press arrangements at the Trump White House, as well as typically vacuous questions (“How are you going to cope with living in D.C. while your family is in New York?” asked David Muir, ABC's Doctor of Thinkology). The president-elect had other things on his mind. “Trump kept saying, ‘We're in a room of liars, the deceitful, dishonest media who got it all wrong.’ He addressed everyone in the room,

calling the media dishonest, deceitful liars.” And then the peacocks had to drag their tail feathers back through the lobby with everybody watching.

Getting tagged as liars isn’t the most unnerving thing reporters have heard from Trump. That prize goes to his declaration that as president he would “open up” libel laws and make them more like libel law in England where, as Trump put it, “they have a system where you can actually sue if someone says something wrong. Our press is allowed to say whatever they want and get away with it.” Again, it’s not clear that Trump realizes he can’t do any such thing on his own, even as president, but—also again—the reaction from the press to his fond fantasy has swung between dudgeon and delirium. Trump, we’re told, wants to “repeal the First Amendment.”

There are lots of differences between libel laws in England and in the United States. The chief distinction, very simplified, is that when a famous person sues over a libelous statement published in England, the news outlet has to prove in court that the statement is true; when a similar libel is published here, the famous person has to show the news outlet knew it was false—a much harder claim to prove. The effect, thanks to a series of Supreme Court decisions, is to declare famous people fair game for pretty much any kind of journalism. As “public figures,” they seldom sue even over a blatantly false report because they’re unlikely to win in court.

It’s a dogma of the national press that this distinction is an essential element of the First Amendment. Yet the country had a remarkably busy and freewheeling press before 1964, when the Supreme Court invented the new arrangement through a piece of judicial legislation called *New York Times Co. v. Sullivan*. Indeed, then and now, both England and the United States have a long history of a robust, competitive, and lively press. And you could easily argue that their press is livelier than ours, precisely because British hacks lack the stuffy self-importance of the average American newsman, which is encouraged by,

among other things, the protection offered by our libel laws.

In the elevated stature it claims, the corporate press in the United States is supported by the deference public figures show it, by a daisy chain of self-flattery, and by a web of dubious conventions that Trump hopes to subvert. Mostly these are artifacts contrived for the convenience of the press and for its aggrandizement. Trump hasn’t held a formal press conference since summer, for example. The longer the president-elect goes without giving a full-dress press conference, the more obvious it will become that these stylized spectacles are unnecessary except under the rarest circumstances.

A president cocooned from skeptical and even disrespectful questioning would be intolerable—an affront to the country. But an East Room theatrical, with the correspondents done up in their dress-for-TV best, is not the only alternative. There’s no reason why a president’s obligation to explain himself couldn’t be met with a series of town halls or, better, a weekly sitdown with a rotation of intelligent and knowledgeable interviewers like John Dickerson, Chris Wallace, and a bunch of people we’ve never heard of. As it is, the presidential press conference serves mostly as certification ceremony: The reporters get camera time, a chance to show off their expertise—some questions last more than a minute—and an accreditation as a personage to be reckoned with. They may even get recognized while weighing their fresh kale at Whole Foods. It’s not the president’s job to make the press corps feel important.

A Washington without presidential press conferences is a Washington in which the grip of the establishment press has at last begun to loosen. The same goes for the equally worthless daily briefing held in the White House press room by a political appointee whose most important job is not to answer serious questions. Anyone who has sat through these interminable exercises knows that whatever information they transmit could better be explained at a lower bureaucratic

level—let the flack for the Bureau of Labor Statistics release the unemployment numbers to labor reporters, who know more about the matter anyway. (President Trump would still think the numbers were rigged, but that’s another story.)

And then, after the White House briefings and news conferences are done away with, here’s what could go next: the State of the Union address, a televised pseudo-event, beneficial (and interesting) only to the reporters who cover it. SOTU, as it’s cloyingly called, could vanish for a century with no discernible damage to the functioning of self-government.

To borrow a tag from the 18th century, Trump has the chance to govern as a disestablishmentarian—trying to decertify the establishment media by extricating them from the exalted position they have claimed and occupied. Very few reporters think of themselves as partisan or ideological. But they do think of themselves as indispensable. Disabusing them of this idea would be the ultimate subversion.

Perhaps the most promising moment came in an interview Trump gave to reporters and editors of the *New York Times*. The president-elect came to their offices—an unaccustomed act of deference. And he went out of his way to praise the self-satisfied tradesmen arrayed before him. “The *Times* is,” Trump said, “it’s a great, great American jewel. A world jewel.”

Which is true. But then he also said this, when asked about the right-wing website Breitbart.com and its relationship to the far right: “Breitbart cover things, I mean like the *New York Times* covers things.” You can imagine Trump’s shrug of indifference. “And you know, they have covered some of these things, but the *New York Times* covers a lot of these things also. It’s just a newspaper, essentially.”

Just a newspaper? Like the *Times*? I wonder whether in that room, at that moment, a terrible revelation began to dawn among the Timesfolk, soon to spread among their colleagues in the mainstream press: Maybe we are no longer who we think we are!

Nah. ♦

Cozying Up to the Dictator

Jesse Jackson's trip to Havana.

BY FRED BARNES

A certain type of American always got along well with Fidel Castro. Jesse Jackson was exactly that type—left-wing, ambitious, publicity-conscious. He and Castro could do business together. And in 1984, they did.

Jackson, 42 years old at the time, was running for the Democratic presidential nomination. Being inexperienced in foreign affairs, he arranged to visit Panama, El Salvador, and Nicaragua in Central America. But those countries were afterthoughts.

It was Cuba that mattered. In early June that year, Castro invited Jackson to visit Cuba. A few weeks later, Jackson showed up, with a press entourage in tow. I was a reporter for the *Baltimore Sun* in those days and signed up for the trip. I'm glad I did. It gave me a chance to see Castro in action. Traipsing after Jackson was the price I had to pay.

Both men got what they wanted, but Castro got more. He gave up the one commodity of which Cuba had a surplus: political prisoners. Getting rid of several dozen saved money and freed up jail space.

Jackson called it a "breakthrough" in Cuban-American relations. It wasn't. President Reagan's reaction was terse. "I'm glad they're home," he said. Castro said the handover was "a goodwill gesture to [Jackson] and the

American people." Castro loved to tweak Uncle Sam.

Castro was a night owl. So it was at a midnight press conference that he read a 10-point declaration for him and Jackson. It called for full "normalization" and exchange of ambassadors. And this: "An invitation to Fidel Castro to visit the United States." That was a big tweak.



Jesse Jackson says goodbye to Fidel Castro in Havana, June 27, 1984.

The traveling press, with some exceptions, played along. Reporters pretended the release of prisoners to Jackson hung in the balance through grueling hours of negotiations. That made the deal seem all the more meaningful when it happened. But success had been baked in the cake.

The Jackson tour began in Panama, where he gave a speech of left-wing platitudes to a boisterous crowd. Then came El Salvador. Jackson urged President José Napoleón Duarte to recognize leftist insurgents as legitimate. With Jackson looking on, Duarte responded with a lofty speech about

letting the people decide. It meant nothing. It led nowhere. Jackson was outsmarted. In Nicaragua, he said the Sandinistas were on the right side of history. Three decades later, we know he was wrong.

Then came Cuba. Everywhere we went, there were reminders we'd entered the world of Castro communism. Cubans eavesdropped on our conversations on the bus trip from the José Martí Airport to downtown Havana. The press stayed at the famous Havana Libre hotel. When I walked in the door, I was hit by the overpowering smell of mold and decay. At breakfast, the food was unappetizing except for the Bulgarian yogurt.

I was mistaken in thinking I would need Cuban pesos to buy anything. I went to a bank—I think it was a bank—and exchanged \$100 in cash for pesos. But when I tried to spend them, the sales clerk insisted on dollars. I went back to the bank, put down the pesos, and asked for my \$100 back. The teller looked at me like I was a fool. She was right.

Havana was a relic, the houses gray, dismal, and untouched by paint. There were plenty of American cars from the 1950s. I couldn't figure out how they were kept running—until I was informed of the flourishing underground market of U.S.

car parts. This seemed to be Cuba's lone acceptable form of capitalism.

I forget what Jackson was doing the next day, but the press was left waiting at a park. An American woman sidled up to me and began telling me how wonderful Cuba was, how poverty was gone and health care was universal. She looked like she believed it. I assumed she worked for Castro.

Castro threw a magnificent reception for Jackson. The food was far beyond what an average Cuban could afford. So was the wine and champagne. The reception had a saving grace. I recognized the great Cuban

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SCOTT APPLEWHITE/AP

heavyweight boxer Teófilo Stevenson. I shook his hand and tried to start a conversation. But he didn't speak English, and I knew no Spanish.

After Castro, Stevenson was the most famous Cuban in the world. Castro liked to put him on display at public events, and for good reason. Stevenson was tall, handsome, powerfully built, and had won three Olympic titles. He might have been the greatest heavyweight in boxing history, but he never fought professionally. Nor did he try to defect, though he had many opportunities. He was a Castro man. Had he gone pro, he would have made millions. He died at age 60 in 2012.

If Jackson gave a second thought to the specter of a lavish reception in a Communist country largely populated by the poor and working class, he never said so. When he spoke at the University of Havana, he shouted "Viva Fidel!" and "Viva Che Guevara!" Or so I read. I don't remember that speech.

After they agreed on the prisoners, Jackson flew off to Nicaragua, then returned to pick up 22 Americans and 26 Cubans. Castro greeted him at the airport and brought a crowd with him. They chanted "Fidel, Jackson." Castro knew how to make his guests feel important.

As a parting gift, he gave Jackson a cigar. He put the wrong end in his mouth, making it impossible for Castro to light. Then Castro got on Jackson's plane. He worked the press, shaking hands and grinning. He gave his fatigue cap to a female reporter. Castro was good at glad-handing. He had charisma.

The thought crossed my mind that Castro could have made it in a democracy and actually won elections. But his view must have been, why take a chance?

When Castro died at 90 on November 25, Jackson tweeted his respect. "In many ways, after 1959, the oppressed the world over joined Castro's cause of fighting for freedom & liberation—he changed the world. RIP" But in Cuba, Castro didn't fight oppression. He imposed it. ♦

The Verdict on Castro

Reinaldo Arenas deserves the last word.

BY LEE SMITH



Reinaldo Arenas, at far left, at a conference on Cuba in Washington, D.C., February 25, 1982

Upon the death of Fidel Castro last month, President Obama remarked, "History will record and judge the enormous impact of this singular figure on the people and world around him." The statement was cowardly in striving for judicious balance to describe the legacy of a dictator who jailed and murdered thousands over the course of five decades. It was also wrong: History has already judged Castro, and the verdict is damning.

This history is documented not in the cursory statements of presidents and prime ministers or the steady stream of tweets and other social media efforts soon destined, their authors may well hope, to dissolve into air. Rather, it is written in books, and

perhaps one book in particular, *Before Night Falls*. Reinaldo Arenas's autobiography is one of the 20th century's most extraordinary political memoirs, even more powerful for the fact that its author did not consider himself political, neither of the right nor of the left, but simply a voice of freedom.

It was 26 years ago this week, December 7, 1990, that the Cuban writer took his life in a Manhattan apartment. He had escaped his native island as part of the Mariel boatlift in 1980. Ten years later, Arenas was dying from AIDS, in pain and distraught, but also grateful to have been granted the time he needed to finish his work, including his memoir, before he died. "Persons near me are in no way responsible for my decision," he wrote in a letter he left to be found after his death and which is appended to the end of *Before Night Falls*.

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CHARLES TASNADY / AP

There is only one person I hold accountable: Fidel Castro. The sufferings of exile, the pain of being banished from my country, the loneliness, and the diseases contracted in exile would probably never have happened if I had been able to enjoy freedom in my own country.

Before Night Falls is a sustained indictment of Castro and perhaps the angriest book ever written about an authoritarian regime. It is in part a prison diary, an account of the actual prisons where Arenas was held for more than three years and the prison that Cuba became under Castro, a country of informants and suicides.

As Arenas's story makes clear, there are essentially only two choices available under a Communist regime—collaboration or escape, even if it means death. In one of the book's most horrifying scenes, Arenas recalls watching a prisoner trying to escape by climbing down a barbed-wire fence. Finding that his rope left him far above the ground, the prisoner jumped and broke both legs. As he crawled for freedom, or safety, or just a few more breaths, the guards shot him to death. Desperation and cruelty were durable features of the Castro regime.

Arenas was gay, and while the Castro regime persecuted homosexuals—save those close to the ruling clique—it was not primarily because of Arenas's sexual orientation that the Communists hunted him. Arenas had sided with the revolution in his youth. As he shows in his memoir, there are plenty of Cuban intellectuals and artists who swallowed their pride and praised Castro or kept quiet, even as the vicious character of the regime became clear. Others were forced to denounce themselves, friends, and even spouses. What seems to have distinguished Arenas from so many others was not necessarily courage, but stubbornness. He was a simple peasant boy who grew up on a farm. When he came to see the regime as an enemy of freedom and beauty, he knew Castro was his enemy.

"A sense of beauty is always dangerous and antagonistic to any dictatorship," he writes,

because it implies a realm extending beyond the limits that a dictatorship can impose on human beings. Beauty is a territory that escapes the control of the political police. Being independent and outside of their domain, beauty is so irritating to dictators that they attempt to destroy it whichever way they can. Under a dictatorship, beauty is always a dissident force, because a dictatorship is unaesthetic, grotesque; to a dictator and his agents, the attempt to create beauty is an escapist or reactionary act.

Thus the book is also a song to beauty and heroism—or the small gestures and actions that constitute the heroic under an authoritarian

Arenas recalls watching a prisoner trying to escape by climbing down a barbed-wire fence. Finding that his rope left him far above the ground, the prisoner jumped and broke both legs. As he crawled for freedom, or safety, or just a few more breaths, the guards shot him to death. Desperation and cruelty were durable features of the Castro regime.

regime—written by a man who cherished his copy of the *Iliad*. Arenas was by most accounts a difficult man, but it is a sign of his generosity of spirit that the heroes of his own epic are modern Cuba's two greatest writers, José Lezama Lima and Virgilio Piñera, both of whom die broken men on the island. Arenas even forgives some of those who betrayed him—he understands the Castro regime left them no other choice.

Arenas would not extend the same courtesy to those who had options, those who had eyes but chose not to see. After he made it to America, Arenas found that other writers and intellectuals waged a campaign against him to protect Castro's reputation.

I have never considered myself as belonging to the "left" or to the "right," nor do I want to be included under any opportunistic or political label. I tell my truth. . . . I scream, therefore I exist.

Some of his own book publishers denounced him and said he never should have left Cuba. Latin American intellectuals, like the novelist Eduardo Galeano, whom Arenas called a front man for Castro, attacked him, as did European academics. Arenas would not have been surprised to hear the Canadian prime minister Justin Trudeau praise Castro last week—and he would have known how to respond.

I remember that at a Harvard University banquet a German professor said to me: "In a way I can understand that you may have suffered in Cuba, but I am a great admirer of Fidel Castro and I am very happy with what he has done in Cuba.

While saying this, the man had a huge, full plate of food in front of him, and I told him: "I think it's fine for you to admire Fidel Castro, but in that case, you should not continue eating that food on your plate; no one in Cuba can eat food like that, with the exception of Cuban officials." I took his plate and threw it against the wall.

In power for 57 years, the 90-year-old Castro outlived the thousands he jailed, tortured, and murdered. In spite of the equivocations and the encomia of political officials, from the president of Iran to the president of the European Union, and the rest of the global elite, Castro's reputation is not in dispute. Reinaldo Arenas's words serve as a permanent witness of those victims of Castro's cruelties, an enduring record and judgment of the dictator. And yet *Before Night Falls* is also a promise of liberty, pledged to the future. The letter he left to be found after his death concludes with what are apparently the last words the writer wrote:

I want to encourage the Cuban people out of the country as well as on the Island to continue fighting for freedom. I do not want to convey to you a message of defeat but of continued struggle and hope. Cuba will be free. I already am. ♦

The Fix Was In

How else account for why I lost?

BY GEOFFREY NORMAN

You have to figure out, after a tough loss, how you are going to handle it. It has to hurt, but it is probably better if you don't let it show and, instead, heed these lines from Yeats:

*Now all the truth is out,
Be secret and take defeat
From any brazen throat,
For how can you compete,
Being honour bred, with one
Who were it proved he lies,
Were neither shamed in his own
Nor in his neighbours' eyes?*

But these don't appear to be good days for stoicism in the face of defeat. People in the spotlight are having a hard time facing the fact that they couldn't get it done. There just doesn't seem to be any such thing as an honorable loss.

Last Saturday, Ohio State and Michigan played football. The game was, as they say, "eagerly anticipated," and the television ratings were, to use a word currently in vogue, "huge." And it turned out to be a good game. The teams played hard but they also made mistakes. As did the officials. Which provoked the wrath of Jim Harbaugh, who coaches the Michigan team and is paid some \$9 million a year for his labors. He takes the job seriously and the losses painfully. He has a volcanic temper.

At one point in the game, Harbaugh thought his team had been victimized by the officials. He yanked a headset off and slammed it on the ground hard enough to break it. He also said words that were provocative enough and loud enough to draw an "unsportsmanlike conduct" penalty from the officials.

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It was a 15-yard gift that helped Ohio State on its way to a touchdown.

With the two teams tied at the end of regulation, the game went into overtime. Both teams scored touchdowns in their first possessions and the game went to a second overtime period. In this one, after Michigan had kicked a field goal, Ohio State faced a fourth down and short. A field goal would tie the game and send it to



Harbaugh probably knew that his complaining actually took something off what was the dignity of a tough, close loss. He and his players came up short, and there is no shame in this. But he seemed to believe it was insupportable. The fix had to be in. The thing was rigged. They'd been had.

another overtime period. A first down would keep the drive going and Ohio State could still win the game with a touchdown. But if Ohio State did not pick up the first down, the game would be over and they would lose it.

The Ohio State quarterback, J. T.

Barrett, ran for the first down and it was exceedingly close. So close that the officials spent several minutes reviewing the initial call, which had been that Barrett made barely enough ground. It was impossible to know, watching on television, if Barrett had actually gained enough. But after the reviews, the original ruling was upheld, and Ohio State went on to win on a touchdown run by Barrett.

At the postgame press conference, Harbaugh came out smoking. He shouldn't have been called unsportsmanlike, he said, still fuming. His players got flagged for infractions that were overlooked when committed by Ohio State players. And then there was that call on the fourth-down run in the second overtime. As he saw it, Harbaugh said, Ohio State was short by "this much," spreading his hands by half-a-foot or so.

It is hard to imagine what Harbaugh intended to accomplish by this petulant exhibition. The game was over and the final score was in the books. Michigan wasn't going to get the win on appeal. Ohio State officials and fans weren't likely to agree that Michigan had been hosed and say, "How about a do-over?"

Harbaugh, of course, knew this. He probably also knew that his complaining actually took something off what was the dignity of a tough, close loss. He and his players came up short, though not by much, and there is no shame in this. But he seemed to believe it was insupportable. The fix had to be in. The thing was rigged. They'd been had.

In this, Harbaugh was operating in perfect harmony with the spirit of the times. Before the election, Donald Trump had hinted that he would not accept the results if he were defeated. The plain implication was that he believed there was no way he *could* lose unless the election were rigged. This assertion was greeted with predictable and justifiable outrage from the expected quarters. Talk like this was damaging to the trust and respect upon which our democracy depends and so forth.

So, Donald Trump won the election, and now, there is talk of recounts. These would take place in three states, Michigan, Wisconsin, and Pennsylvania. These recounts began as the project of minor-party candidate Jill Stein, but the Clinton campaign soon signed on, though its leaders said they were not especially confident the results would go their way. Still, the recount cause would require cash, and it may be that when there is an opportunity to do a little political fundraising, the Clinton operation can't bear to stay on the sidelines. Raising money is what they do best.

The recount effort, meanwhile, provoked one of those intemperate tweets from President-elect Trump, who weighed in with this:

In addition to winning the Electoral College in a landslide, I won the popular vote if you deduct the millions of people who voted illegally.

Well . . . there is, of course, no proof of this. You could believe it in the same way that you could believe Michigan was hosed by the officials. Perhaps it does make the Clinton people feel better, temporarily, to force recounts in Ohio, Michigan, and, especially, Wisconsin, where they couldn't be bothered to campaign because they thought the state was in the bag for them. So the recount is, after a fashion, a second insult. We didn't care enough to come to your state to campaign and now we don't trust you enough to believe you counted the votes accurately.

This, in a way, replicates that Harbaugh performance. In his view, the other team got a six-inch gift from the officials and that cost Michigan the game. No mention of the two critical interceptions and the fumble committed by his quarterback or, especially, of the 15 yards awarded to Ohio State because the Michigan coach couldn't keep a cork in it.

*Be secret and take defeat
From any brazen throat,*

Or, in modern parlance, "You lost. Get over it." ♦

Shall We Gather at the River?

The cultural contradictions of the anti-pipeline camp. BY ERIN MUNDAHL

Cannon Ball, N.D.
Driving near the Sacred Stone protest camp—ground zero of the effort to stop the Dakota Access oil pipeline from crossing the Missouri River—you meet a peculiarly balanced set of restrictions. To the north, the Morton County sheriff, with the help of the North Dakota National Guard, has set up a roadblock. Motorists coming towards the camp from that direction

protesters have erected a permanent guardhouse. Cones block off the road, forcing cars that are not allowed into the camp to turn around. At the gate, three burly Native-American men interrogate the occupants of each car. A sign posted behind them warns "no photography." (Most of the journalists allowed to enter are required to have an escort at all times.)

Why do liberal collectivist utopias feel so statist? Waiting in line to enter the camp, I can't help but wonder. At first glance, Sacred Stone combines the misery of a refugee camp with the guarded nature of a dictatorship. One of the men comes up to my window, suspicious of my reasons for coming. I try to appear as naively helpful and wonderingly curious as possible and in the end, he decides I can be allowed in.

As I start to walk around the camp, I can't shake the feeling that for all of its claims of community—of solidarity with the Sioux Nation against the U.S. Army Corps of Engineers and corporate power—the underlying spirit of the camp is one of rules enforced by unspecified, yet unpleasant means.

I've missed the morning orientation meeting for new camp-dwellers, but a large plywood sign clues me in on some of the other rules of the camp: "'isms' have no place here," it warns. "No weapons." For Direct Action Protesters (who volunteer to harass law enforcement on a more intimate level), there are more rules.

Anarchy, this is not. At the same time, it can't really be described as



A sign lists the principles behind the protest's 'direct action' with police.

are stopped by armed officers who tell them to reroute around Highway 1806 because of a bridge that has not yet passed a safety inspection.

Motorists approaching the camp from the south, meanwhile, are stopped by self-appointed protest security forces who have kept the dark sunglasses but lost the bulletproof vests. They don't give a reason to the drivers they stop.

Coming down the rolling hills towards the river bank, the camp is bounded by the water on one side and fencing on the other three. Where Highway 1806 passes the camp, the

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ERIN MUNDAHL

orderly. To try to spread information through the camp, the organizers have erected a series of whiteboards near the entrance. They are filled with phone numbers and first names linked to offers of a seat in a car to California, a note from a man who wants a dog, a woman willing to cook vegan meals, and someone looking for a ride to the airport.

The camp sprawls in all directions, a dusty collection of teepees, camping tents, semipermanent structures, and, ironically, green Army surplus tents, some of which still have “U.S.” stenciled on them. Nothing was laid out in any particular order, which means that without natural landmarks, the further one gets from the road of flags, the more of a hodgepodge of mismatched canvas dwellings it becomes.

I’m not the only wanderer. Despite talk of prayers and work groups, most people have too much time on their hands. They wander between the tents and teepees. There’s a stream of men in their twenties wearing cargo shorts and dreadlocks, middle-aged women with crazy hair, flowing skirts, and sensible boots, and young women wearing the designer versions of the above. To the chagrin of North Dakota education officials, whole families have come, piling the kids into retrofitted school buses to come to the camp for an education that qualifies as home schooling only in the vaguest sense of the term.

This summer the camp boasted of running its own school. None of the children I see is in the schoolroom, though. Three sons of this activist class, all around 10 years old, are squabbling over a snack. It’s a squirming, poking mess of each trying to get a piece of what turns out to be pepperoni. Just when things seem to have been resolved, one turns in accusation.

“Hey! You can’t have pepperoni!” he cries. “You’re vegetarian!”

It’s a *faccuse* moment.

Although “Mia” can set you up with more vegetarian options (per the whiteboard), restrictive diets are only one of the many small ways in which camp life is made more difficult than it might otherwise be. It isn’t enough

to feed, clothe, and shelter 3,000 people who decided to camp out in North Dakota in the winter. Some of them want vegan meals and natural medicine. Although ostensibly united against an oil pipeline, their attitude is more protest chic. Already some supporters have taken to Facebook and Twitter to complain that “it feels like a budding Burning Man in some areas of camp” and “nobody wants to hear your songs with your guitar.”



Above, the camp’s ‘medic’ area; below, a sign invites arrivals to daily orientation.



After being at the camp for a few hours, I realize I’d quickly lost track of the purported reason for all the tents: the waters of the Missouri River. Despite being the focus of the protest, the river itself was tangential to the inwardly focused camp life.

The camp is in a constant state of flux, a sea of nylon and woodsmoke and tents and cars, which move regularly. Everyone I ask for directions is friendly and unable to help. Sorry, they just got here. They are mostly the same sort of people I saw at the Bismarck airport on my way here—white, middle-class, college-educated, and caring. They want to help

and after their week is up, they’ll pack up and go home. As their numbers grow, they are shifting the tone of the gathering. Rather than the prayers and ceremonies that many may have expected to see, there are girls just out of college taking selfies as they chop firewood.

Jen, a woman in her late twenties, is waiting next to her Subaru-based campsite with her dog, while her boyfriend helps to construct permanent buildings elsewhere in the camp. (She is the third woman I’ve met so far with a builder boyfriend.) They just arrived from Colorado, full of enthusiasm to save the river. When I ask her, she admits she isn’t really sure where it is. “Somewhere over there,” she says, gesticulating generally.

There is something vaguely zen about coming so far for the river, only to be unable to find it. She, the boyfriend, and the dog had driven for hours to reach it, to be able to say that they had been here and had helped. They were joined by those who came by car, motorhome, and airplane. All to stop the pipeline.

And all of these people? How did they get here? For the most part by burning fossil fuels.

There is no avoiding it: Sacred Stone is a protest with a large carbon footprint. Given the rough terrain, pickup trucks are the most useful vehicles, and the camp is filled with the deep purr of diesel engines. That’s the lifeblood of rural America. Without cars, there is no way to get around. And so the camp is packed with cars and trucks—and a disproportionate number of Subarus—with license plates from as far away as Alaska. Washington and Colorado plates are especially common. Those who didn’t drive flew and then begged or hitchhiked their way the last 45 miles to the camp. They came to have their moment, to stick it to the man, and to demonstrate that Big Oil can’t just trample native rights.

Oil runs the cars and planes they took to get here. It powers the generators that provide their electricity. Water is life, but oil is pretty darn useful, it seems.

◆ ERIN MUNDAHL

The Regulators' Bad Day in Court

A rebuke to the Consumer Product Safety Commission. BY ABBY W. SCHACHTER

‘T here’s a massive problem with their logic,” Shihan Qu told an audience, two years ago, about the federal Consumer Product Safety Commission’s attempt to ban his product, Zen Magnets. Two days before Thanksgiving, the Tenth Circuit Court of Appeals agreed with Qu and smacked the regulatory agency for improperly assessing the risk of a once-popular, now nearly unavailable, novelty for adults. The court decision vacating the agency’s proposed ban highlights how far the CPSC has exceeded its mandate, bullying small business with shoddy regulation.

Zen Magnets is the last of what was once more than a dozen companies selling powerful, ball-bearing-sized magnets. The magnet sets are used like a sort of high-tech modeling clay—with the little balls sticking together magnetically, users can position and arrange them in an infinite variety of shapes.

The CPSC has been out to eliminate these products since 2009, successfully pressuring most businesses making the magnets to “voluntarily” recall their products. Indeed, the commission had nearly cleared the field after running Craig Zucker’s highly successful company Maxfield & Oberton—the maker of Buckyballs and Buckycube—into bankruptcy. The agency had filed a complaint

against the company and sued Zucker personally (ending in a settlement with the CPSC for hundreds of thousands of dollars). But Qu refused to bow when the agency, instead of claiming his product was defective or that his company had failed to provide adequate warning of risk, opted for an outright ban.

The threat to children’s health



An array of Bucky Balls, one brand of magnets banned by the CPSC

was what got CPSC onto this crusade in the first place: Some children have suffered intestinal injuries when they’ve eaten two or more magnets, which can result, as the court noted, in “perforations, infections, [and] gastrointestinal bleeding.” The CPSC first ordered the manufacturers to attach multiple warning labels prohibiting use of the magnets by anyone under 14 years old; when those labels failed to prevent any and all injuries, the agency sought the removal of the product from the market.

To the extent there is danger posed by these magnets, it is caused by misuse. Or, as Qu described it, the magnets are safe “for anyone who knows not to eat nonfoods.” There have been

no accidents reported involving Zen Magnets. But in their zeal for the unattainable goal of perfect safety, the CPSC tried to ban the product anyway.

The court’s decision to vacate the magnet ban dealt with this overreach directly, explaining that the CPSC attempted a ban through rulemaking by ignoring the required cost and benefit standard. The commission failed to balance “the degree of the risk of injury caused by magnet sets” against “the public’s need for the sets and the rule’s effect on their utility and availability.” The judges found that the agency hadn’t proved that the risk of injury to children posed by the magnets was anything near to that requiring a ban. The agency also failed to account for the cost imposed on consumers who, but for the ban, would have wanted to purchase the product.

The second major failing of CPSC’s proposed ban was incomplete and false injury data. By the summer of 2012, the court explains, “ten of the thirteen largest distributors had agreed . . . to stop selling and start recalling magnet sets; by December 2012, the dominant firm in the market had ceased operating.” In effect, the regulating agency had met with great success without a ban: Magnet set sales, which totaled 2.7 million from 2009 to 2012, dropped to fewer than 25,000 per year after 2012.


The CPSC insisted that a magnet set ban was necessary even as injury incidents plummeted along with sales. To justify the ban, the agency inflated injury statistics. The court was not impressed: “According to the Commission, ninety percent of the injury reports on which it ultimately relied only ‘possibly’ involved the subject magnets sets.” The judges didn’t like the bureaucrats’ poor Internet research skills, blasting them for using keyword terms that would have included results having nothing to do with the actual products the agency wanted banned. “Underlying findings that peg the risk of injury as a mere ‘possibility’ provide the Court no assistance

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in assessing” whether the risk was greater than the benefit of having the product in the market. “Even though the task may be difficult, the Commission is required to advance some explanation that allows a reviewing court to evaluate whether the cost of the lost utility is in fact outweighed by the benefits of the rule.” Ouch.

The court found that the CPSC had not acted with the overall benefit of consumers in mind: “Although the Commission’s evaluation of the costs of the rule to magnet distributors was adequate, its evaluation of the costs to consumers was incomplete.” The commission had given no consideration to the “utility” of the magnet sets, removing from the market products that could be used as “scientific and mathematics education and research tools.”

The product may have value, whether for education or even just amusement. But the magnets aren’t essential to a wide range of modern products, which made them an easy target for overambitious regulators. Former CPSC commissioner Nancy Nord once told me that the problem with the magnet set ban was that it was too attainable. “Contrast the agency’s approach to button batteries, which present the same risk of injuries, i.e., small children swallowing them,” she explained.

Small magnets may be responsible for dozens of injuries; by contrast, button-sized batteries—used in everything from watches and calculators to hearing aids—have injured thousands of children, some of whom have even died. And yet, as Nord pointed out, with batteries, “the agency has agreed to a voluntary program with industry to increase warnings, make the packaging stronger, and educate the public. Obviously the agency understands it cannot ban button batteries, but it also realized that it could do so with respect to magnets.”

The Tenth Circuit court has ruled, effectively, that the CPSC has to use a better standard for its decision-making than just who has the ability to fight back.

But that doesn’t take anything away

from the importance of fighting back when the federal government oversteps its authority—which means that, with its tenacity, Zen has done a service beyond just the convenience of consumers who would like to buy magnets. “Zen is like a little Yorkie terrier that has grabbed ahold of the

Small magnets may be responsible for dozens of injuries; by contrast, button-sized batteries have injured thousands of children, some of whom have even died. And yet, as a former CPSC commissioner points out, with batteries, ‘the agency has agreed to a voluntary program with industry to increase warnings, make the packaging stronger, and educate the public.’



*Current CPSC chairman Elliot Kaye,
June 28, 2016*

ankle of the CPSC and will not let go,” Nord writes on her blog. “It may be that, through Zen’s actions, the CPSC will come to understand that it can protect consumer safety without disregarding basic notions of due process.”

Or maybe not, because the bureaucracy often has more than one way to litigate: A week after the Tenth Circuit ruling, a lower court judge in Denver levied a \$5.5 million fine (generously reduced to \$10,000) against Zen Magnets for having sold products recalled by the commission.

◆ CAROLYN KASTER / AP

History Will Not Absolve Him

Fidel Castro, 1926-2016

By ELLIOTT ABRAMS

In 1953, a young Fidel Castro was tried for his armed attack on the Moncada military barracks in Santiago de Cuba during the dictatorship of Fulgencio Batista. The attack was a dismal failure, though its date—July 26—was later taken as the name of Castro’s revolutionary movement. At the trial 24 lawyers represented the roughly 100 defendants, but Castro, who had a law degree, defended himself. He spoke for four hours, ending with the famous phrase “History will absolve me.”

The court sentenced Castro to 15 years in prison, 1 of only 31 defendants who were convicted. And Castro and his brother Raúl were in fact released less than two years later. From their release in 1955, it was not even four years to the overthrow of the dictator on January 1, 1959. That day, Castro pledged, “I am not interested in power nor do I envisage assuming it at any time. All that I will do is to make sure that the sacrifices of so many compatriots should not be in vain, whatever the future may hold in store for me.”

This was of course a lie and he immediately seized power. Two years later Castro acknowledged, “Do I believe in Marxism? I believe absolutely in Marxism! Did I believe on Jan. 1st? I believed on Jan. 1st! Did I believe on July 26th? I believed on July 26th!” January 1, 1959, and July 26, 1953, were the famous dates to which he was referring. Castro’s trial under Batista was not fully fair in the Anglo-Saxon sense, but consider the facts: He was

allowed to defend himself in court and to speak as long as he wished; all defendants had lawyers; most defendants were acquitted; and Castro was soon released in an amnesty.

From this, Castro learned not that justice should be blind, or lenient, but that it should be eliminated. As soon as he took power the killings began. Not until his “revolution” has been overthrown and Cuba is free will the records emerge, but it is clear that there were hundreds of summary executions. When criticized for the

kangaroo courts (“revolutionary tribunals”), Castro replied, “Revolutionary justice is not based on legal precepts, but on moral conviction. . . . We are not executing innocent people or political opponents. We are executing murderers and they deserve it.”

A good example, cited in Glenn Garvin’s masterful obituary of Castro in the *Miami Herald*, is the March 1959 trial of 44 officers and men from Batista’s air force. Oddly enough, the tribunal acquitted them. But as Garvin writes, “An enraged Cas-

tro instantly created a right of appeal for prosecutors. . . . A second tribunal sent the men to prison for 30 years. At that, the airmen were lucky. Though Cuban law did not permit capital punishment, the revolutionary tribunals were sending a steady stream of men to the firing squad.”

That was 1959, and nothing changed as the decades passed. Garvin writes:

When Cuban government ships spotted a tugboat full of refugees headed for Florida on July 13, 1994, they blasted it to pieces with high-pressure fire hoses. “Our tugboat started taking on water,” recounted one of the survivors, María Victoria García. “We shouted to the crewmen on the boat, ‘Look at the children! You’re going to kill them!’ And they said, ‘Let them die! Let them die!’” Forty-one of the refugees did.



Castro speaks just days after victory, January 7, 1959.

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HAROLD VALENTINE / AP

The story of Castro's Cuba is in substantial part the story of refugees, and there are stories enough to break one's heart. From December 1960 to October 1962, more than 14,000 Cuban children arrived alone in the United States in "Operation Peter Pan," or "Pedro Pan" as they called it. It was organized by the Catholic church in Miami, at the request of parents in Cuba who wanted their children to get to the United States and thereby escape Marxist-Leninist indoctrination. Were these the children of



The show trial of former provincial military commander Jesús Sosa Blanco, center, in a Havana sports arena, January 22, 1959. Blanco was executed, as were thousands of others.

the rich? No; those children were already in Miami with their parents. These were middle- and lower-class children whose parents could not see a future for them in a Communist Cuba. Half were reunited with some family member in Florida immediately; the church cared for the other half.

In a sense this operation was a success, as the Cuban migration to Florida was a success: Miami was reborn with the energy of the Cuban arrivals. Statistics show how remarkably that immigrant group raised itself from poverty to middle-class status and beyond. But the human misery is of course immeasurable—families broken up, homes and relatives and professions and lives left behind in Cuba. All for what?

For freedom, one of the many commodities that could not be found in Castro's Cuba. There were many, many others that could not be found, ranging from justice to sugar. Yes, sugar. As Garvin notes, "In 2007, production of 14 of

Cuba's 20 key products was lower than in 1989. One, the sugar crop, was the smallest in a hundred years."

This should not be a surprise, for Castro's Marxism and his command economy destroyed the productivity of the island just as communism destroyed so many other economies. This was a fact carefully hidden by Castro and his apologists, who spewed out endless propaganda about the wonderful social and economic advances made under his rule. From the very beginning, he realized that the international press—and more broadly global public opinion and political leaders—were important, could be fooled, and were often craven. The first example came in the 1950s, when Castro took in Herbert L. Matthews of the *New York Times*, who famously became a propaganda tool for Fidel. As Garvin reports, "Though the rebels had barely 20 bedraggled men, Castro marched the same group past Matthews several times and also staged the arrival of 'messengers' reporting the movement of other (nonexistent) units." Matthews's story in the *Times* in February 1957 said that Castro's "program is vague and couched in generalities, but it amounts to a new deal for Cuba, radical, democratic, and therefore anti-Communist."

There is not a very long distance between Matthews and people like Justin Trudeau, prime minister of Canada, whose remarks on the occasion of Castro's death have rightly been the subject of global ridicule. Here is the heart of his statement:

Fidel Castro was a larger than life leader who served his people for almost half a century. A legendary revolutionary and orator, Mr. Castro made significant improvements to the education and healthcare of his island nation. While a controversial figure, both Mr. Castro's supporters and detractors recognized his tremendous dedication and love for the Cuban people who had a deep and lasting affection for "el Comandante."

Trudeau was very far from alone: Jeremy Corbyn, leader of the British Labour party, said, "From building a world-class health and education system, to Cuba's record of international solidarity abroad, Castro's achievements were many." Ban Ki-moon at the U.N. said Castro "was a strong voice for social justice." Presidential candidate Jill Stein proved herself more red than green by tweeting, "Fidel Castro was a symbol of the struggle for justice in the shadow of empire. *Presente!*" President Obama decided the United States needed to be "*presente*" at Castro's funeral, sending a deputy national security adviser down to Havana to pay his respects. And Jimmy Carter weighed in as well: "Rosalynn and I share our sympathies with the Castro family and the Cuban people on the death of Fidel Castro. We remember fondly our visits with him in Cuba and his love of his country."

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So much for Carter's reputation for supporting human rights. In fact, Fidel Castro was even by global standards an exceptionally brutal dictator. Vicious and despicable actions that would have made page one of the *Times* and would never be forgotten had they been undertaken by Augusto Pinochet or any of a dozen other Latin military dictators have been buried in memory holes. Here's just one: The Inter-American Human Rights Commission stated in 1967, "On May 27, [1966,] 166 Cubans—civilians and members of the military—were executed and submitted to medical procedures of blood extraction of an average of seven pints per person. This blood is sold to Communist Vietnam at a rate of \$50 per pint with the dual purpose of obtaining hard currency and contributing to the Vietcong Communist aggression. A pint of blood is equivalent to half a liter. Extracting this amount of blood from a person sentenced to death produces cerebral anemia and a state of unconsciousness and paralysis. Once the blood is extracted, the person is taken by two militiamen on a stretcher to the location where the execution takes place." As the Center for a Free Cuba has noted, "By 1995, blood exports of US\$30.1 million were Cuba's 5th export product after sugar, nickel, crustaceans, and cigars."

It is worth a look at those widespread claims that Castro, whatever his "flaws," his "failures," or his "controversial actions," did so much for the health and welfare of his people. The argument from his defenders is that while it's unpleasant that he was a bit tough and frog-marched the Cuban people forward, forward they did go.

But this is false, as are all arguments that dictatorship and brutality are required for economic and social progress. Compare Cuba with Costa Rica, another small Latin country but one that has enjoyed democracy for all the decades Castro brutally ruled over Cuba. In 1960 both Cuba and Costa Rica had comparatively high literacy rates, just under 80 percent. And today, literacy in both approaches 100 percent. Castro and communism had nothing to do with Cuba's advances in literacy before he took over in 1959, and as Costa Rica shows, further advances were not unique nor did they require a dictatorship. And as to health, one decent measure is life expectancy. In Cuba (according to the World Bank) life expectancy in 1960 was 64 years and has now risen to 79. In Costa Rica in 1960 it was 62 years, and has now risen to the same 79—without political prisons, executions, and the

flight of millions of citizens. Final measure: gross national income per capita. Under Fidel, Cuba's rose from \$850 (in 1972) to just under \$6,000. In Costa Rica it rose from \$360, less than half the figure for Cuba, to over \$10,000 today. The myth of Cuba's great socioeconomic advance under Fidel is just that—a myth that can be exploded fast if anyone cares to look. A recent study of the Cuban economy since 1959 looked at the various arguments excusing its failures (excuses such as the U.S. embargo) and concluded that it was communism, meaning especially insistence on central planning and the abolition of private property, that was to blame. The economists (Felipe Garcia Ribeiro, Guilherme Stein, and Thomas H. Kang) concluded "it does not seem that history will absolve the Cuban regime." And the useful idiots writing about social progress in Cuba must also contend with other aspects of "social life" there, as Garvin notes:

"By the 1990s, the island's suicide rate had tripled from pre-revolutionary levels, and one of every three pregnancies ended in abortion."

So what has been Fidel's appeal? How does a vicious and brutal dictator become a hero to the left? Why is a man who executed his opponents, eliminated any trace of freedom of the press or speech, or of justice, and caused a million refugees to flee their

homeland mourned? Why does such a man's death elicit praise from trendy liberals like Justin Trudeau? What is the appeal of a megalomaniac? It cannot really have been his oratory, because no speech that lasts three or four hours is anything more than an expression of control over the audience. Garvin reports that Castro's "record, in 1968, was a meandering discourse that lasted nearly 12 hours." That is sadism, not oratory.

There is of course a broader question here, of which Fidel Castro is merely the latest example (though Stalin and Mao are better ones): Why are crimes on the left ignored, minimized, and readily forgiven when abuses on the right are publicized, magnified, and recalled decades later? Certainly in Castro's case his anti-Americanism played a great role in making him a global hero on the left. It is not an accident that the *New York Times's* headline on his death was "Fidel Castro, Cuban Revolutionary Who Defied U.S., Dies at 90."

Castro jumped into the Soviets' lap; he was not pushed. Garvin: "He moved almost immediately to confront



Jimmy Carter arrives in Havana, Sunday, May 12, 2002.

Washington, while courting surprised Soviet leaders. He brushed aside U.S. offers of economic aid.” Soviet and Cuban propaganda machines built up the Castro myth, and Castro not only “built socialism” at home but sought to export it—to Angola, Central America, Venezuela, and indeed anywhere the Yanqui Empire could be confronted. By 1975 he had put more than 25,000 troops in Angola—and in a classic case of seeing what the left wanted to see, Jimmy Carter’s ambassador to the United Nations, Andrew Young, famously called them a force for “stability and order.” In the Cuban missile crisis of 1962, Castro urged Khrushchev to launch the missiles the USSR had put in Cuba against the United States if the island were invaded, and by some accounts even urged a preemptive Soviet

which Cubans fled to escape the clutches of Fidel Castro. And the second is heroes.

Communism always produces heroes—like Anatoly Scharansky and Vladimir Bukovsky and Andrei Sakharov in the Soviet Union, Lech Walesa and Václav Havel among the Soviet satellites, and Liu Xiaobo in China. So it has been in Cuba. Huber Matos was a *comandante* just like Fidel in the Cuban revolution, but opposed the Castros when he saw that they were Communists. For this he was sentenced to 20 years in prison and made to serve every last day (there were no amnesties for Fidel’s enemies). Matos later wrote that “I had to go on hunger strikes, mount other types of protests. Terrible. On and off, I spent a total of sixteen years in solitary confinement, constantly being told

that I was never going to get out alive, that I had been sentenced to die in prison. They were very cruel, to the fullest extent of the word.” But he survived, and when he emerged he continued his struggle for freedom in Cuba by founding Cuba Independiente y Democrática, which he led until his death two years ago. Armando Valladares served 22 years in solitary confinement in Castro’s prisons and emerged to write the classic prison memoir *Against All Hope: A Memoir of Life in Castro’s Gulag*—and was then named by President Reagan to represent the United States at the U.N. Commission on Human Rights. There are, as always with communism, too many heroes to mention—from the “Ladies in White” who have marched each Sunday to bring attention to imprisoned relatives and who are routinely detained and beaten, to individuals like Oswaldo Payá, who started the “Varela Project” to demand multiparty democracy and

was killed in a 2012 automobile “accident” that was pretty clearly staged by the regime.

It may be that on the far left internationally, Fidel Castro will always be a heroic figure, like his comrade Che Guevara, and perhaps they will continue to adorn walls in the dorm rooms of college students who know no better; it may be that fools in the West will celebrate him for decades to come, as they have in the past week with their ignorant eulogies and tweets. But in Cuba, the truth about Fidel Castro is lived each day as it has been since January 1, 1959, and the truth will emerge when the regime falls—however long that takes. Then the statues will all be brought down and the murals will be painted over, and the story of Fidel Castro will be told by those who suffered most from his brutality, his hatreds, and his megalomania: the people of Cuba. Today’s obituaries cannot reflect their views, but in due time they will have their say. And they, like history, will not absolve him.

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Garbage and decrepitude in Havana, 2015

attack to prevent such an invasion. But again, all this is forgotten—if it does not indeed add to his legend as one who defied the gringos.

What in fact did Castro do for Cuba? The great social and economic gains are delusions. The grand international adventures resulted in many deaths—of Cubans, to be sure, but as well of Latins and Africans in wars he fed. He created a system of neighborhood spies, political tribunals and political prisons, viciously harsh sentences and chronic maltreatment of prisoners, that was a miniature version of the nastiest Communist regimes anywhere. It is impossible to believe that Cuba—whose Leninist system was always unique in the Caribbean and indeed in the hemisphere—will not some day be free of all this, just as Germany is free of the Stasi system.

What will then remain? Two things. The first is, again, Miami—and more broadly a Cuban diaspora in the United States, Spain, and elsewhere that enriches every country to

Apathy in the Executive

Opportunity or problem?

BY GERARD ALEXANDER
& YUVAL LEVIN

On the night in November 2010 that a wave of protest enabled Republicans to capture an additional 63 seats in the House of Representatives and decisively retake the majority, incoming House speaker John Boehner warned Barack Obama that the public had sent a message to “change course.” Boehner declared that it was up to Obama to act on that message, because “it’s the president who sets the agenda for our government.” That formulation frustrated conservatives, who wanted the GOP House majority to shape and command the policy agenda.

Six years later, many conservatives again hope that an incoming Congress will set the agenda, but this time with an important twist. In 2010, conservatives wanted a Republican House to undo some of the worst policies pushed by a committed and ambitious progressive president. Now, conservatives are thinking not of defense but offense. They see a peculiar opportunity created by an incoming president who appears unusually uninterested in policy details and is notorious for a short attention span.

Indeed, for many on the right, Donald Trump’s inattentiveness presents not just a possible silver lining to his tenure but a best-case scenario. An unengaged president who is vaguely amenable to conservatism on the policy front could make it possible for congressional leaders, working with administration appointees and mobilized activist groups, to achieve many of the goals conservatives have been pursuing for years (far longer than Trump has been a Republican).

Judges offer the most commonly cited example. Trump might not care deeply about core legal issues or even about appointments below the iconic Supreme Court. But if congressional leaders, key Justice Department appointees, and

legal activists can compile lists of nominees that Trump is willing to sign off on (and the Senate is willing to support), conservatives can reshape the judicial branch. The same logic can now be heard regarding policy issues ranging from corporate-tax reform and Dodd-Frank to higher education, environmental regulation, health care, entitlement reform, and a great deal in between. In each case, members of Congress, policy experts, and others could work together to land bills on Trump’s desk and, with his signature, enact one desired change after another. The conservatives banking on this opportunity are thinking they might achieve a great deal of what is on their wish-lists not despite Trump’s disengagement but because of it.

But Boehner’s 2010 formulation, for all the weakness it conveyed and the alarms it rightly raised, should also generate some doubts about today’s conservative expectations. For one thing, even if it failed as a statement of congressional aspiration and constitutional ambition, Boehner’s remark certainly reflected recent history on the subject. At least since the Second World War, the president has been the most important driver of policy change in national politics. This is especially evident in cases of major reforms of the kind conservatives now have in mind regarding spending, taxes, the regulatory state, and other issues. The last three-quarters of a century offer us



almost no model—the 1996 welfare reform may be the one near-exception—of Congress proving capable of setting the policy pace in a sustained way. Like it or not, the president’s central role in policy reform has been a predictable fact of American political life, for two main reasons.

First, the president has a unique ability to set priorities. Conservatives who imagine passing stacks of legislation while Trump’s attention is elsewhere are right to celebrate the many ideas for reform that they have generated in recent years. The cupboards are not bare. But the sheer volume of these ideas—hundreds of specific proposals, the largest of them (like replacing Obamacare) made up of many separate pieces, as well as dozens of exciting judicial nominees and thousands of political ones—cuts both ways. It is simultaneously an embarrassment of riches and a serious problem

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for a policy-making process that can handle only so much at one time. Any one great reform idea might become reality. The problem is that dozens and dozens of them will be trying to get through the same doorway at the same time.

The process of enacting big reforms, after all, requires a great deal of time and energy. In each case, key congressional committees would hold hearings, administration and Hill staffers would negotiate details between the branches, the two chambers, and hundreds of members' offices, and White House personnel would juggle countless decisions. This means there are multiple points of entry for good proposals, but also that there are endless demands on the attention of all involved.

These chokepoints and limitations inevitably mean that some policy changes will be considered during the heralded first 100 days, some will be major priorities in the subsequent year or year and a half, when administrations tend to be most productive, and some will never get the support they need. We already see what this can mean, as conservative policy entrepreneurs feverishly try to ensure that *their* issues make the short list of what gets serious consideration in the near-term and therefore has any chance of being adopted. They are already running into the problem that only a few things can be done at a time.

An active and engaged White House is uniquely positioned to set priorities and organize this process to the extent possible. Congress is divided into numerous fiefdoms, run by a patchwork of firsts-among-equals. House and Senate leaders have prerogatives, but their authority is subject to periodic renegotiation with backbenchers and powerful committee chairs. The president, in contrast, uniquely commands the vast resources and bargaining powers of the executive branch. The resulting capacity of presidents to prioritize among proposals can be used to great effect. They can redirect activity, from getting items onto the agenda to getting them successfully enacted. If no one plays an organizing role, policy entrepreneurs and activists could easily dissipate their energies on the continuing scramble to get proposals on a disorganized and ever-evolving agenda.

And when it comes to setting priorities, appointees and staffers are highly unlikely to make up for a disengaged and indecisive president. Administrations are invariably teams of rivals on which presidents must impose order. Even a top-notch chief of staff cannot play the role of decider if other leading advisers have virtually as much authority. The White House process is generally given shape by a president's stated priorities and is further constrained by the sense that the president will jump in to make key decisions if advisers don't reach agreement. The effort to avoid that scenario keeps things moving. In a system without a formal prime minister, only the president can determine priorities

for the executive branch and in the process set the initial agenda for the policy process as a whole.

In the absence of an opinionated final arbiter who could always be brought in, the policy process can easily become far less, rather than more, productive. If President Trump is indeed to remain above the details, and if the executive branch is unlikely to be able to compensate for his relative apathy or absence, congressional leaders may have to think very differently about their own role in the policy process. That might make for some opportunities, but only if members of Congress are prepared for what to many of them will be an unfamiliar and challenging task.

This would be a good thing, to be sure. That presidents have been so central in the policy process—which ought to be, after all, a fundamentally legislative process—is a historical reality but not a constitutional imperative. On the contrary, it is a function of Congress's willful ceding of authority over decades. A recovery of that authority would be most welcome, but it would require a conscious decision by members of Congress, rooted in a recognition of its necessity. Simply assuming a disengaged president will serve their policy interests is not nearly enough. Conservatives in Congress would need to restructure some fundamental processes and rules—above all the budget process—to make them more friendly to how Congress functions and less dependent on an assertive and engaged executive. And they would need to want and seek the responsibility to set priorities.

The rare instances of congressional dominance in the policy process support this view. The welfare reforms enacted in 1996, which may provide the most prominent example, did involve a congressional majority largely imposing its priorities on a reluctant president—even in the face of several vetoes that led to revisions and negotiations. But welfare reform required a highly unusual degree of focus and attention from congressional leaders over an extended period in the face of inertia and sometimes firm resistance. Making that the norm would be no easy feat, especially in the service of not just one large piece of legislation but the management of a more extended and varied agenda involving numerous separate policy areas, committee jurisdictions, and interest groups. It would require members of Congress to agree among themselves without presidential pressure, prioritize among their preferences, and demonstrate enough discipline and confidence in their leaders to enable them to make deals that would stick.

And even if they succeed in doing all those things, they can never fully make up for a disengaged executive because presidential engagement is important in a second way that is far more fundamental (and appropriate) to the role of a governing executive. Getting a given proposal adopted is often only half the battle. Today's conservative emphasis

on judicial appointments may obscure that fact, because making judicial appointments is unique among the president's roles. The moment judges are confirmed and sworn in, they head off to another branch of government and make independent decisions until they retire or die. The only intervention required by the elected branches is nomination and confirmation. Such surgical intervention describes policy-making in almost no other arena. Essentially all other policy changes, after being negotiated among many stakeholders, have to be implemented by the executive branch and its agencies.

In some cases, like certain tax policies, this can be relatively straightforward. In many others, it takes sustained energy and attention to bring reforms to life. Messy legislation has to be translated into bureaucratic reality. Obamacare should remind us how difficult that can be. Full implementation often requires further decisions and minor (and, given Congress's inclination to intentional vagueness of late, sometimes not-so-minor) adjustments. It should come as no surprise that portions of the Dodd-Frank financial regulation law have still not been implemented, for instance, where rules have yet to be rendered in forms that can feasibly be applied.

Even after full implementation, enforcement is necessary. At each step of the process, it is often indispensable for the upper reaches of the executive branch to follow progress in detail, apply pressure to move the process along, and act creatively and energetically when improvisation is required. None of that can safely be expected from a president focused only on the big picture in a small number of policy areas. That bodes ill for ambitious conservative proposals such as health and entitlement reforms, immigration policy changes, financial regulations, and the strengthening of our national defenses. It is very optimistic to assume that real and desirable change in those areas can be achieved simply by passing a law and then letting appointees get on with putting it into force.

Here, too, if President Trump is to be unusually uninvolved, Congress may have to reconsider its own ways of doing things. This might be a much-needed spur to restore specificity to legislation and rein in the tendency to articulate broad mandates and hope a friendly administration makes the most of them. Congress should pass laws that can be implemented as written. It should also alter the character and tenor of oversight work—recovering a sense that Congress ought to be jealous of its prerogatives and eager

to make sure that the laws it writes are being enforced as intended, rather than using oversight mainly to grandstand over scandals and exceptional improprieties. Congress should seek to play as much of a role in influencing the implementation of the laws as presidents seek to play in their formulation. The interplay of these competing ambitions is what helps keep our system in balance.

But engaged White House leadership is not merely relevant to the accomplishment of specific ambitious reforms in federal policies and programs. It is also essential for the simple daily functioning of the federal bureaucracy. The executive branch constitutes a massive, sprawling machinery

plagued by centrifugal tendencies, populated by rival egos and agendas, and containing departments and agencies with sometimes overlapping jurisdictions and responsibilities. Its relatively harmonious and effective operation is the result of herculean effort and not a natural state of affairs. Indeed, this need for harmonious executive action lies at the core of the president's proper powers. It is why the president must do his job properly—energetically, yet within the appropriate constitutional bounds. Oversight can help make this happen at the margins, but it cannot substitute for a president eager to

administer the work of his own subordinates and agents.

A disengaged chief executive therefore should not be seen as a boon to conservative policy-making or constitutional restoration. It may well be that a disengaged Donald Trump is better than an engaged one, from the point of view of conservative governance. But to think of disengagement as above all a silver lining is to be far too sanguine about its implications. That doesn't mean conservatives should want Trump to be hyper-engaged, but it does mean we should be realistic about what is achievable in the coming years.

If Republican congressional leaders are alert to the peculiar demands of this moment and can exercise some effective and thoughtful discretion over the policy agenda of the right, some meaningful achievements are surely within reach. But those are very big "if"s, and even under the best of circumstances they would be ways of mitigating past congressional weaknesses and present presidential weaknesses—and not yet a recovery of the strengths of our constitutional system. That system has always been at its best when all its officers and institutions are ambitious and engaged at once, restraining one another as they pursue their goals. ♦

That presidents have been so central in the policy process—which ought to be, after all, a fundamentally legislative process—is a historical reality but not a constitutional imperative. On the contrary, it is a function of Congress's willful ceding of authority over decades.

Whose Convenience?

The murky world of bottom-feeding shipping registries

BY ANN MARLOWE

Hurd's Bank, July 2015

Sixteen miles out to sea from Valletta, Malta, safely into international waters, dozens of large ships sit at anchor in July of last year. An hour before the late summer sunset, the sea and sky are nearly the same blue. That day, more than forty vessels are in the free, shallow-water harbor known as Hurd's Bank. Crew members—pudgy men in cheap sportswear—lounge on the rails of their vessels, enjoying the end of the day. Ship owners often leave skeleton crews on board these vessels, who are supplied with food and water from shore. They wait for the right moment or the right deal for their often-illicit cargos. Hurd's Bank isn't the only such free offshore anchorage in the world, but it's the only one in Europe.

It's a peaceful scene, but Hurd's Bank helps keep the slow-burning Libyan civil war going. Many of the vessels here are tankers, and some carry diesel purchased in Libya at the local, subsidized price, diesel which is then illegally exported to be sold for 15 to 20 times as much off the coast of Malta. The tankers that hold Libyan diesel here have loaded it at western Libyan ports, such as Zuwara. Buying at the subsidized price—or simply appropriating the fuel—and selling a few hundred miles away on Hurd's Bank is an easy way for Libya's militias to finance themselves.

Among the ships out on Hurd's Bank in the summer of 2015 were “two vessels that are involved in fuel smuggling,” according to a recent report by the U.N. Security Council Panel of Experts on Libya. One was the *Amazigh F*, an oil tanker owned by the Basbosa Shipping Company. The Marshall Islands address of Basbosa Shipping is the same as that of ADJ Swordfish

Ltd. (now ADJ Trading, Ltd.), a company controlled by a Libyan named Fahmi Ben Khalifa together with investors from Malta and Egypt. The other of the two ships was the *Basbosa Star*, then owned by ADJ Swordfish.

Before anchoring off Malta that July, both the *Amazigh F* and the *Basbosa Star* had sailed to Libya multiple times. And on each of their trips, the U.N. panel notes, the ships had shut down their automatic identification systems as they approached the Libyan coast, “following the pattern of smugglers.”

“One individual stands out in the fuel smuggling

business from Zwara,” the U.N. panel writes: Fahmi Ben Khalifa, also known as Fahmi Salim. “He has a long record of smuggling. During the Qadhafi regime he was imprisoned for a period for drug smuggling.”

In addition to his Maltese company, Fahmi Salim “also chairs the board of directors of a Libyan company, Tiuboda Oil and Gas Services Limited,” the panel details. Fahmi Salim had tried to get a proper license to bring fuel into Malta from Libya, but Maltese officials rejected the request. That didn't stop him from doing business.

Both the *Basbosa Star* and *Amazigh F* spent most of their time shuttling between Malta and Libya; both operated out of the same Marshall Islands address. But they have something else in common: They are among the hundreds of vessels flying the flag

of Palau. The *Basbosa Star* changed its flag from Sierra Leone to Palau in February of last year; the *Amazigh F* was Palau-flagged beginning early in 2014. (A year ago, the ship's name was changed to *Sea Master X*.) The activities of the *Basbosa Star*, *Sea Master X*, and other Palau-flagged vessels point to the larger problem of regulating the world's many “flags of convenience.” The proliferation of fast-growing, obscure shipping registries offers rogue owners many opportunities to dodge authorities.



Above, the Amazigh F (now Sea Master X) at Hurd's Bank, July 2015

Ann Marlowe, a visiting fellow at the Hudson Institute, is a journalist and businesswoman based in New York.

MAP: ALEXRKC; PHOTO: ANN MARLOWE

The Republic of Palau is a far-flung Micronesian nation made up of hundreds of small islands east of the Philippines. With a population of 21,000, its total landmass is equal to about that of Norman, Oklahoma. Made into an American territory after World War II, Palau became independent in 1994. The country uses the U.S. dollar as its currency, and English is an official language along with Palauan. The cash-strapped little country has relied on fishing and tourism for its scanty revenues. In September 2012, the Palau Registry was launched with two Chinese gambling ships, adding registering vessels to Palau's endeavors.



The Rena lists, October 16, 2011. The Liberian-flagged container ship ran aground near Tauranga, New Zealand, and began to leak oil in one of the worst maritime disasters in New Zealand history.

Palau is just one of dozens of flags of convenience, many from weak or impoverished—even landlocked—nations desperate for hard currency. Flags of convenience have often been used for legally dubious purposes. The first such registry, in Panama, was attractive as a way to avoid new U.S. regulations on sailors' working conditions. And from the beginning, it facilitated smuggling: The first vessel with a Panamanian flag of convenience was the aged cargo ship *Belen Quezada*, which, in the early years of Prohibition, ran liquor from Canada to the United States. Flags of convenience continue to provide cover for owners engaged in criminal enterprises, which include not just smuggling fuel, but such dangerous gambits as shipping weapons to terrorists.

Rogue flag-of-convenience ships tend to be found around the world's ungoverned or barely governed spaces. They are not, for the most part, a direct menace to the United States, except when we have to go in to clean up the mess created by smugglers overseas. Our Coast Guard—unlike that of, say, Libya—has the resources to protect national waters. According to the Coast Guard, under Port State Control (PSC) regulations, “all

foreign-flagged vessels are examined no less than once each year.” A Coast Guard spokesman says, “Generally vessels that have not undergone a PSC exam within 12 months and vessels that are a first-time arrival to the U.S. will receive a Port State Control Safety and Security exam.” Most of those ships are allowed to go on their way: While 8,925 vessels made 73,752 U.S. port calls in 2015, only 202 ships were detained, or 2.2 percent of vessels in American waters. The United States currently bans a grand total of three vessels from its waters.

Flags of convenience range from the big players such as Panama (72 percent of all commercial shipping worldwide) and Liberia, down to landlocked countries such as Bolivia and pariah states including North Korea. Even the big players are vulnerable to misuse. At the end of the '90s, the Liberian registry of shipping, once the world's largest, ended up in the hands of convicted war criminal Charles Taylor. The registry was accused of funding U.N.-banned weapons shipments and facilitating the transport of “blood diamonds.” Revenues from the registry provided as much as a third of Liberia's national income. (The Liberian registry, which is run out of Virginia, was in the news again in 2013 as a donor of \$120,000 to Terry McAuliffe's campaign for governor of Virginia.)

There are several big regulatory bodies that inspect and, when necessary, detain ships, and these rank the flags of convenience by their frequency on the detention lists. Two of the main foreign regulators are the organizations created by the Paris Memorandum of Understanding and the Tokyo MoU, and they represent European and Asian authorities. The U.S. Coast Guard has its own Targeted Flag List that gives special scrutiny to ships flying the flags of Belize, Bolivia, Honduras, Saint Vincent and the Grenadines, Samoa, Taiwan, Tanzania, or Thailand. From 2013 to 2015, for instance, 25 percent of Belizean ships and 26 percent of Bolivian ships entering U.S. waters were detained.

Beneath these flags of convenience singled out for regulatory attention, there are other, newer, privately run registers that are below the international radar, plying waters where they aren't likely to run into port state inspections that would look too closely at where they've been and what they've been carrying, and otherwise get them into trouble. Several are associated with budget-strapped, low-population, under-governed Pacific island nations, such as Tonga, Tuvalu, and now Palau.

The Tongan registry at one point had 180 ships. It is one of the very few flags of convenience to be forced by international pressure to shut down foreign registrations. Several Tongan-flagged ships turned out to belong

to al Qaeda. In January 2002, the Tongan-flagged ship *Karine A* was found by Israeli authorities to be transporting 50 tons of weapons and ammunition to the Palestinian Authority in Gaza. That same year, 15 Pakistani men on board the Tongan-flagged *Sara* were arrested and charged with plotting an al Qaeda attack in Europe (the ship had been on its way from Casablanca to Libya when it detoured into Italian waters and was stopped).

More recently Tuvalu's flag has had troublesome connections. In 2012, Reuters Freight Fundamentals reported that the National Iranian Tanker Company had flagged 11 of its tankers to Tuvalu, in an apparent effort to circumvent impending EU sanctions.

The Palau registry has had its share of vessels in the news—and not in a good way. A ship called the *Lucky Star 8* attempted to conceal a recent visit to North Korea. The *Amaranthus* was found abandoned, moored along the west coast of the Greek island Zakynthos with a hold full of smuggled cigarettes. Even with innocent

Tonga's registry at one point had 180 ships but is one of the very few flags of convenience to be forced by international pressure to shut down foreign registrations. Several Tongan-flagged ships turned out to belong to al Qaeda.

cargo there are problems: The *Minnath*—carrying 200 tons of vegetables—was so unseaworthy it nearly sank off India last year.

The Palau registry claims it cares about safety and legality. “Marine Inspections are required to be done annually at no cost to the owner. If a registered vessel under the Palau Flag has showed good record . . . the Flag Inspection may be waived for two years.” The registry even says it has a network of inspectors on-

call and ready to go to work. But clearly something has gone amiss with this inspection regime if so many Palau-flagged ships are found in questionable circumstances. There's also an underlying question about motive when you consider that the Palau registry appears not to be a huge moneymaker: The Republic of Palau earned only \$100,000 from its registry in its first two years.

Palau is just one example—and it may be far from the worst—of why policing the murky world of shipping registries needs to be done with new vigilance. ♦

Seizing Our Energy Potential

THOMAS J. DONOHUE
PRESIDENT AND CEO
U.S. CHAMBER OF COMMERCE

In the final months of the Obama administration, we're seeing a flurry of regulatory activity as the president seeks to push his agenda until the last possible moment. Among those regulations is a new offshore leasing plan from the Department of the Interior that would tightly restrict offshore oil and gas development, keeping as much as 90% of the U.S. Outer Continental Shelf off limits for exploration. Doing so would place an extreme, anti-growth environmental agenda ahead of the best interests of the American economy and energy security.

The U.S. Chamber of Commerce has called on the incoming Trump administration and the new Congress to immediately replace this regulation with a plan to fully utilize our offshore energy resources. These resources are essential to spurring economic

growth and promoting energy security. Unfortunately, the proposal to largely ban offshore drilling is only the latest in a long series of misguided policies by the Obama administration—and there may be even more in its final days. Any continuation of those policies will further undermine one of America's greatest assets: our abundant natural resources.

The U.S. Chamber's Institute for 21st Century Energy has produced the *Energy Accountability Series*, a collection of reports detailing the dire consequences of undercutting America's energy revolution. For example, if fracking was banned, the reports found that it would cost America 14.8 million jobs and \$1.6 trillion in annual GDP by 2022. If energy production was banned on federal lands and waters, America would risk losing 380,000 jobs, \$70 billion in annual GDP, and \$11.3 billion in government royalties.

Energy remains one of the bright spots for America's economy despite the restrictive policies of the last eight

years. Just last month, America became a net exporter of natural gas for the first time in 60 years even though the administration has done all it can to restrict fracking and eliminate it on federal lands. Imagine the potential of U.S. energy if our leaders began actively working to advance it, not thwart it. We could see new technologies, new discoveries, and increased capabilities in our energy sector.

The Chamber is encouraged by the president-elect's pledge to eliminate the restrictions that have prevented the United States from taking full advantage of its abundant resources. With the right policies, we can create millions of jobs, billions of dollars in economic growth, and billions more in government revenues and royalties. The Chamber and its Energy Institute will continue to fight for a positive, forward-looking energy policy in the final days of the current administration and into the next.



Learn more at
uschamber.com/abovethefold.



John O'Hara at home in Princeton (ca. 1960)

A Rage to Write

John O'Hara, social chronicler. BY JOSEPH EPSTEIN

John O'Hara was wont to complain publicly about the state of his reputation, thereby joining the majority of writers, most of whom keep this standard complaint to themselves. What, exactly, apart from being insufficiently grand to please him, was his reputation?

I should say it was—and remains today—that of a writer a substantial notch below Ernest Hemingway, F.

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Stories

by John O'Hara
edited by Charles McGrath
Library of America, 880 pp., \$40

Scott Fitzgerald, and William Faulkner, about all of whom he spoke and wrote reverently. Five or so years younger than these three novelists, O'Hara labored in their long shadows. He had the additional problem of being thought stronger as a writer of short stories than of novels, though he wrote no fewer than 17 novels. He is credited

as a master of dialogue, a practitioner if not the progenitor of the *New Yorker* story, a never-less-than-interesting commentator on American manners.

To give some notion of his self-evaluation, O'Hara was disappointed that he never won the Nobel Prize. He planned to use part of the money to buy a Rolls-Royce. He bought the Rolls anyhow, but died, in 1970, at the age of 65, with a still, unsettled reputation. Although many of the big critical guns of the time had fired off their opinions of his work, no true consensus emerged. Nor has it even now.

In a review for the *New York Times*

THE LIFE PICTURE COLLECTION / GETTY IMAGES

Book Review of O'Hara's third collection of stories, *Pipe Night* (1945), Lionel Trilling wrote: "More than anyone else now writing, O'Hara understands the complex, contradictory, asymmetrical society in which we live." He added, "No other American writer tells us so precisely, and with such a sense of the importance of the communication, how people look and how they want to look, where they buy their clothes and where they wish they could buy their clothes, how they speak and how they think they ought to speak." Trilling went on to place O'Hara in the distinguished line of American novelists that includes William Dean Howells and Edith Wharton.

Irving Howe, in a 1966 *Saturday Review*, held that there was, finally, something thin and disappointing in the piling up of O'Hara's social observations, remarking of his gift for dialogue that "were mimicry the soul of art, O'Hara would be our greatest master." Contra Trilling, Howe held that O'Hara lacked the "deep personal culture" of Edith Wharton that allowed her "to bring to bear upon her material an enlarging standard of humane tradition and civilized reflection." Alfred Kazin and Arthur Mizener wrote disparagingly about O'Hara; Guy Davenport and John Cheever praised him. If literary criticism were a prizefight, the decision on O'Hara would be a draw.

John O'Hara was born in 1905 in Pottsville, Pennsylvania, the seat of Schuylkill County, anthracite coal country, near Philadelphia, the son of a physician. Perhaps the most crucial fact about him is that he was Irish. Hard now to remember that the Irish in America were once a despised group: The term paddy wagon, used by policemen rounding up drunks and other rowdies and still in use today, gives a strong notion of the social standing of the Irish in the early decades of the 20th century. To rise out of the working class, and even the middle classes up into the upper reaches of American life, could be a bumpy run for the Irish, shanty or lace-curtain.

Themselves victims of snobbery, the Irish, in F. Scott Fitzgerald, John O'Hara, and (somewhat lower down the social scale) James T. Farrell, became

the great 20th-century chroniclers of American snobbery. The goal for the wealthier and more ambitious Irish was to achieve the status of WASPs, with the Roman Catholic church added on. One thinks here of Joseph Kennedy, of his compound at Hyannis Port, his children at Harvard, pushing, pushing, pushing until one of his sons arrived at the best American address of all, 1600 Pennsylvania Avenue NW, Washington, D.C.

The barriers for the Irish were fewer



in smaller towns like Pottsville. Dr. Patrick Henry O'Hara had a flourishing practice and his family lived on exclusive Mahantongo Street in Pottsville, renamed Lantenengo Street in many of his son's stories and novels. Dr. O'Hara wanted his oldest son to succeed him in his medical practice, and when John chose not to do so, a chill, never to be entirely shaken off, arose between father and son. In a number of O'Hara stories, the O'Hara character, rechristened James Malloy, is in a never-fully-explained strained relationship with his physician-father.

A wild kid, John O'Hara was smoking and already drinking in his early adolescence. He got tossed out of various prep and private schools for disorderly conduct. His great dream of going to Yale was shattered when his father, at the age of 57, died of Bright's disease, leaving heavy debts in his wake. No Dink Stover, no boola-boola for O'Hara, who seems never quite to have got over missing out on Yale. A story—O'Hara tells it himself—has it

that Hemingway, Vincent Sheean, and James Lardner pooled their money to go off to Spain but had an odd two francs left over, causing Hemingway to say: "Let's take the bloody money and start a bloody fund to send John O'Hara to Yale."

Not getting to go to Yale may have been the best thing that ever happened to him. Had he done so, he might have lost that sense of outsider status that can be so important to a writer. Besides, colleges have never been in the least helpful to any serious writer.

For a number of years, O'Hara wandered in the jungles of journalism. Between 1925 and 1932 he worked for various newspapers and magazines, ranging from the *Pottsville Journal* to Henry Luce's *Time*. A drinking man, easily angered, he was fired from one publication after another for the usual sins: arguing, unexplained absences, unreliability generally.

In 1928, he published his first piece in the three-year-old *New Yorker*, then edited by its founder Harold Ross. Over the years, as a freelance, O'Hara would publish more than 400 stories and reportorial pieces in that magazine. He would have three marriages, put in a not-especially-successful stint as a Hollywood screenwriter, have a great financial success with *Pal Joey* (1940), the musical based on his stories and for which he wrote the book for its long-running stage performance. Other of his stories and novels—*Butterfield 8* (1935), *Ten North Frederick* (1955)—would also be made into movies. He had a good run, John O'Hara; but for a man of boundless literary ambition, a good run is nowhere near good enough.

The epitaph on O'Hara's gravestone reads:

BETTER
THAN ANYONE ELSE
HE TOLD THE TRUTH
ABOUT HIS TIME
HE WAS
A PROFESSIONAL
HE WROTE
HONESTLY AND WELL

It's important to point out that O'Hara composed that epitaph himself. What is its truth quotient? He was

indubitably a professional; he did write honestly; he may he even have told the truth about his time better than anyone else. The question is: Does that truth matter, today, in our time?

Although O'Hara wrote about bootleggers, faded movie stars, cab drivers, farmers, big shots, and others, his real subject was life lived at what H. L. Mencken called "the country club stage of culture." Many of his characters have the center of their social lives anchored in their country clubs. The country club of O'Hara's day offered golf, bridge, evenings of dinner and dancing and boozing. At Gibbsville's Lantengo Country Club, adultery was also on offer. So many of the stories in this new Library of America edition of John O'Hara's stories, expertly and unobtrusively edited by Charles McGrath, have extramarital affairs at their center that the entire volume would not have been mistitled *Adultery*. But then, when one thinks about it, what other drama does life at the country-club stage of culture—otherwise so boring—offer other than sleeping with one's best friend's husband or wife? While sex is at the heart of so many of O'Hara's stories, in these stories, it must be said, he treats it in the best adult fashion, which is to say that he rarely descends to the naming of parts or describing them in play.

In *Appointment in Samarra* (1934), O'Hara's first novel, there is also the prospect of drunkenness and insulting people. Just such an act on the part of the novel's main character, Julian English—who, in his drunkenness, throws his drink in the face of a rich country-club bore whose financial support he needs—propels the novel into motion. Julian runs the Cadillac agency in Gibbsville, a town of roughly 25,000, a mixture of English, Welsh, Irish, and Pennsylvania Dutch that O'Hara named after Wolcott Gibbs, his friend at the *New Yorker*, and that appears in several of his stories. He is part of the town's *gratin*, or top crust, but he has a drinking problem. He loves his wife, Caroline, but does not let this stand in the way, when drunk, of bonking in the backseat of his car, the mistress of Ed Charney, the town's bootlegger-gangster. Later in the novel he will get into

a fight with two other members, also while boozed up, that will force him out of his club.

As for Caroline English, in a characteristic passage, O'Hara fills us in on her by comparing her with her 10-years-younger cousin Constance:

The cousins were pretty good types of their respective colleges: Caroline had gone to Bryn Mawr, Constance was at Smith—the plain girl who goes to Smith and competes with the smart Jewesses for Phi Beta Kappa, distinguished from the pretty girls who go to Smith and write to Yale. Caroline was the perfect small-town girl at Bryn Mawr; from private school in her home town, to a good prep school, to Bryn Mawr and the Bryn Mawr manner, which means quick maturity and an everlasting tendency to enthusiasms.

All his days, John O'Hara would be preoccupied with status and its outward symbols. Colleges, fraternities, addresses, cars, Liberty scarves, Dunhill lighters, Herbert Johnson hats from Brooks Brothers—in O'Hara's novels and stories, these are meant to place and lock in his characters' social position. He prided himself on knowing how speech reflects social class and character. No woman who graduated from high school, he once noted, would ever say "half a buck," which sounds right to me. In *Appointment in Samarra* a lower-class nightclub singer confuses the word "eunuch" with "unique" and a working-class boy mistakes the word "instigated" for "implicated." He believed one could tell a lot about a person who calls the evening meal "dinner" and another who calls it "supper," about someone who plays squash and someone who plays handball.

The danger of such a delicate radar for status is that it can devolve into stereotypes, which in O'Hara's fiction it sometimes does. In *Appointment in Samarra* he mentions "a handsome young Harvard Jew." Later in the novel he has Julian think that "he did not like to see men driving hatless in closed cars; it was too much like the Jews in New York who ride in their town cars with the dome lights lit." Believing that you are what you

drive, O'Hara names enough different cars by make—Pierce-Arrows, Cunninghams, Franklins, Garfords, Duesenbergs, Packards, Mercers, Stutz Bearcats, et alia—to stock a large used-car lot. Membership in one or another college fraternity, in an O'Hara story, can pin a character down as firmly as an exotic butterfly on a lepidopterist's velvet pad. "Probably out of spite," O'Hara writes, "Julian did not accept the invitation to join Phi Delta Theta, his father's fraternity, but had joined Delta Kappa Epsilon." Dekes, Betas, Tau Beta Pis, Psi Upsilon, the Porcellian Club at Harvard, the Ivy Club at Princeton—all these have great significance in O'Hara stories. One such story, "Graven Image" (1943), is about a man who bears the lifelong scars of not being invited to join Porcellian.

The narrative of *Appointment in Samarra* leaves enough loose threads for a man to hang himself. Toward the end of the novel, Julian English does not do this but, sensing his life shattered, a bottle of Scotch and a pack of cigarettes in hand, he goes out to his closed garage, sits in his car, locks the doors and windows, turns on the motor and lets his life leach away in suicide from the carbon dioxide. Julian English is not John O'Hara, yet one gets the feeling that, in him, O'Hara is describing a life of the kind he himself might have led had he not found salvation in writing.

This Library of America edition contains 60 of John O'Hara's short stories. They vary greatly in length and in quality. A number of them end disappointingly, but satisfactory endings are the great problem in short stories. So many writers of them know how to soar, but too few how to land the plane. None of these O'Hara stories is dull, none boring. One is improbable, "A Man to Be Trusted," about a woman having a love affair with a 13-year-old boy. The three best stories in the collection are "Imagine Kissing Pete," "Pat Collins," and "Natica Jackson," which also happen to be its three longest stories; another lengthy story, "Mrs. Stratton of Oak Knoll," peters out sadly over its final 20 or so pages. O'Hara's

novels sometimes give one more than is required, his shorter stories less. The novella, that form of indeterminate length between the story and novel, shows him atop his game.

Storytelling in itself, this volume leads one to think, may not have been O'Hara's chief talent; portraiture and social observation are where his strengths lay. Often he will present a brilliant character but be unable to find a plot in which that character might play out his destiny. For good or ill, O'Hara was the least moral-minded of writers. On the one hand, the strong hand, he was not in the least tendentious, he set things down as he saw them; on the other, the shaky hand, moral questions, generally at the center of what gives fiction both its drama and its staying power, are often sorely missing from his work.

One encounters in these stories some of the characters from *Appointment in Samarra*: Julian and Caroline English and Julian's father Dr. English, Whit Hofman, Ed Charney, and others put in cameo appearances. A character named James Malloy, a writer, narrates a number of these stories, rather like the usually unnamed narrator of Somerset Maugham stories but with less of a cosmopolitan tone than the more sophisticated Maugham commanded. O'Hara may have been the American Maugham, although Maugham was better able to shape a story than O'Hara, who was a more pure storyteller.

Later in life, O'Hara became a great grump, bemoaning critics, literary coteries, the want of prizes and praise for his writing, leaving the *New Yorker* for 11 years owing to a deflationary review by Brendan Gill of his novel *A Rage to Live* (1949). He was a man who never forgot unfavorable reviews, even in the *Trenton Sunday Advertiser*. Sometimes it seems that O'Hara must have suffered Irish Alzheimer's, that illness in which one forgets everything but one's grudges.

In earlier days, John O'Hara had been a patient listener and acute observer, which went to make him so impressive an impersonator in his fiction. "He do the police in different voices," as T.S.

Eliot had it in *The Waste Land*. O'Hara could do female nightclub singers, thugs, rich old women, savvy Hollywood agents, Pennsylvania Dutch. His skill at dialogue was such that he could float an entire story along its stream. So smoothly convincing is his dialogue that one feels a sense of low gotcha triumph catching him out in the rare mis-cue: The misuse of "put me on" in "The Assistant." The error in "I Can't Thank You Enough" of the character who says,

was thought behind everything he had on, and behind the thought no taste." Another character, this one in "Fatimas and Kisses," has "the special look of dignity offended, the look of small people who do not feel entitled to anger." A now-retired Hollywood female star in "The Sun Room," thinking no doubt about Judy Garland, remarks, "If you want to be popular with the queers, you'd better have a weakness." Rich stuff, this,



Laurence Harvey, Elizabeth Taylor in 'Butterfield 8' (1960)

"Hurry back, as they say down South," when what they actually say is "Hurry on back." The jarring "You make me sick" in "How Old, How Young."

What entices, more than anything else, in O'Hara's stories is his know- ingness. This comes through some- times in subtle observation, sometimes in risky generalization. In "Pat Col- lins," he remarks of a character named Dick Boylan, who runs a speakeasy in Gibbsville, that "possibly as an Irishman, he was immune to what the non-Irish call Irish charm." In "Natica Jackson," he notes that "stingy women are apt to be insatiable in bed," an observation as interesting as it is difficult to test. Of a character in "The Assistant," he writes: "There

and it abounds in O'Hara's writing.

For all its richness, for all John O'Hara's skill as a mimic and sharpness as an observer of the life of his time, his writing fails the memory test. Having read 60 of his stories within the past month or so, I find that, with the excep- tion of only 3 or 4, I cannot recall any- thing of their content. Lucid, smart, never less than interesting, these stories nonetheless leave no strong impress because they are devoid of conflict, spe- cifically moral conflict, of the struggle over difficult decisions that gives a larger meaning to literature and to life itself.

John O'Hara was a good and hon- est writer, always worth reading, but owing to this marked absence in his work, a less-than-great one. ♦

The Spirit of '45

How Scotland's defeat made Great Britain a world power. BY **STEPHEN MILLER**

In its Great Battles series, Oxford University Press has published studies of Waterloo, Gallipoli, Alamein, Agincourt, and Hattin—the battle Saladin won that enabled him to recapture Jerusalem from the Crusaders. The latest entry in this series focuses on the Battle of Culloden, which took place on April 16, 1746, on a moor near Inverness. The battle lasted about an hour and engaged only 15,000 troops, but Murray Pittock persuasively argues that Culloden was “one of the decisive battles of the world.” The last pitched battle fought on British soil, Culloden was decisive, Pittock argues, because the British Army’s victory over forces commanded by Prince Charles Edward Stuart (now popularly known as Bonnie Prince Charlie) helped propel Great Britain into becoming the dominant world power for 150 years.

Culloden has been written about extensively, but Pittock argues that “no battle out of living memory is remembered so powerfully and so falsely.” Historians often describe Bonnie Prince Charlie’s army, which was outnumbered two to one, as a horde of sword-wielding Highlanders that recklessly took on a modern army. Pittock disagrees: Prince Charles’s army was “a much more modern fighting unit than it is given credit for.” Secondly, though one contemporary English historian has called Charles’s army “a Highland rabble,” at least half the Scots serving in it were not Highlanders. Pittock calls the forces under Prince Charles the Jacobite Army. Jacobites—not to

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Culloden

by Murray Pittock
Oxford, 256 pp., \$29.95

be confused with Jacobins—were Britons who did not accept the Glorious Revolution of 1688, when the Stuart King James II, a Roman Catholic, was replaced by the Protestant Dutchman William of Orange and his wife Mary.

In the first half of the 18th century, there were two major attempts by Jacobites to restore a Stuart to the British throne. The first uprising took place in 1715, after Queen Anne died. A Scottish Jacobite leader said that the aim was to repudiate the Acts of Union of 1707, which united Scotland and England, and restore Scotland’s ancient liberties. The aim of the 1745 rising, which came to an end at Culloden, was the same: According to Pittock, the Scottish Jacobites wanted “a restoration of Scottish sovereignty within a looser confederal British state ruled by a single sovereign but with different royal capitals and parliaments.” The 1745 rising was not a civil war between Highlanders and Lowlanders. Many Lowlanders were sympathetic to the Jacobites. Lowland volunteers, Pittock argues, “provided as large a part of the army” as Highland volunteers. The Lowland Scots who fought on the side of the British worried that if a Stuart were restored to the throne—the aim of Jacobites—Scotland’s Presbyterian majority would be undermined. But only eighteen-hundred Scots served in the British Army, so it is wrong for historians to say that more Scots fought on the British side than on Prince Charles’s side.

The 1745 rising was not only about

Scotland’s future; it was about Ireland’s and England’s as well. Irish Jacobites wanted to overthrow the Protestant Ascendancy in Ireland. There were Irish Catholic troops under French command serving with Prince Charles. English Jacobites had “an assortment of grievances.” They detested the two Hanoverian kings, George I and George II, and they disliked the decline in the power of the landed interest. How many English Jacobites were there? Historians have endlessly debated this question. One says that in the 1740s, 56 out of 140 Tory MPs were Jacobites. But English Jacobites played only a marginal role in the 1745 uprising, which began on July 23 when Prince Charles landed on the coast of Scotland with seven men. He had counted on the support of at least two contingents of Franco-Irish marines, but they suffered heavy casualties when their ship was bombarded by the Royal Navy.

Yet, in an astonishingly short time, Prince Charles managed to put together an army of 5,500 men. On September 15, the Jacobite Army entered Edinburgh, where it was greeted by 20,000 cheering Scots; by October, the Jacobites had gained control of most of Scotland. On October 9, Prince Charles declared the Act of Union no longer in effect; he also repudiated the 1701 Act of Settlement, which stipulated that future British rulers come from the Protestant House of Hanover. Buoyed by his military successes in Scotland, the 25-year-old prince wanted to invade England and make a rapid dash for London. The British Army was bogged down in the War of the Austrian Succession, so the Jacobites’ chances of reaching London were good. Yet many Scottish Jacobite leaders disapproved of this plan because they disliked and distrusted the English Jacobites; their preference was to consolidate Jacobite power in Scotland. In the Council of War, the decision to invade England passed by only one vote.

Marching towards London, the Jacobite Army encountered almost no opposition. Yet after they reached Derby, only 130 miles from London,



The Culloden battlefield, near Inverness

the Council of War voted to return to Scotland. The Council decided that not enough English Jacobites—only 500 recruits—had joined their side. It was also rumored that one or two British armies stood between the Jacobites and London, though some claimed this was false information provided by a double agent. Prince Charles strongly opposed the council's decision.

What if the Jacobite Army had marched on to London? Pittock doubts that it would have succeeded: "Foreign invasion of England did not have a good track record," he writes. What if the Jacobite Army had French support? A major French invasion was expected early in 1746, but it never came. The what-ifs, Pittock says, "are intoxicating." Playing the counterfactual game, Pittock speculates that if a Stuart had been restored to the throne, Britain would have had a rapprochement with France, so there would have been "no war in Quebec and consequently no independence for the American colonies, which would have been unable to play the powers off against each other."

While the Jacobite Army was returning to Scotland, the British Army was retaking a number of Scottish cities and blockading the coast: "The net was

tightening round the Jacobites." Nevertheless, Scots were still signing up to fight the British, and by January 1746, the Jacobite Army had 10,000 troops. But it was not doing well on the battlefield. The military failures, Pittock says, were partly Prince Charles's fault; he was "a fine strategist but a poor tactician." He was also "young, captious, and sulky." In April, the Jacobite Army was forced to take a stand at Culloden, near Inverness, the only Scottish city it now held. And of course, the battle itself (which Pittock describes in detail) was a disaster for the Jacobite Army, which lost anywhere from 1,000 to 2,000 men compared with roughly 250 losses for the British Army. The British took few prisoners, and most of those who were taken prisoner died because of horrible conditions in captivity.

The British Army was brutal in the aftermath, continuing to fight irregular Scottish forces for years. Pittock cites one historian who says that Jacobitism was finally defeated by "systematic state terrorism," and most Jacobite leaders (including Bonnie Prince Charlie) escaped abroad.

What are we to make of the Jacobites? Adam Gopnik recently called them reactionaries. It's possible that the English Jacobites could be called

reactionaries, but not the Irish or Scottish Jacobites. The Irish could be called freedom fighters and the Scots were fighting for a different political settlement with England, what Pittock calls "an alternative modernity."

In his final two chapters, a note of exasperation creeps into Pittock's prose when he writes about historians who continue to claim that at Culloden progressives triumphed over reactionaries. He notes that the National Trust for Scotland, in its audiovisual materials, describes Culloden as "the last battle of the Highlanders." The website Education Scotland claims that "far more Scots fought on the Hanoverian side than on the Jacobite." Wrong, wrong, wrong, Pittock declares. Romantic Scottish nationalists get Culloden wrong as well: They don't call Charles's forces a rabble, but they, too, believe that the opposition to British rule was mainly from Highlanders fighting to defend their feudal way of life.

Culloden may not dispel all the myths about the battle, but it does call attention to the real meaning of the 1745 uprising, which is the nature of Scotland's relationship to England. That issue remains alive and well, especially after Brexit. ♦

Mind the Gap

Philosophers at the intersection of brain and spirit.

BY TEMMA EHRENFELD

French and German do not have words that correspond exactly with the English noun “mind,” which emphasizes reason (it’s derived from the Greek *menos* and Latin *mentis*). Before the 18th century, few people on the Continent read English, and when “mind” appeared in French translations, it usually became *esprit*, the spirit of angels and demons. In German, the available terms were *Seele*, or soul, and *Geist*, closer to spirit.

Even the early English empiricists like Isaac Newton considered “thinking matter” an oxymoron. Matter, they thought, operated like a machine, on rules. Thinking came from a divine, unpredictable soul. But humans clearly were thinking matter, and the slippery English concept of mind became a “radically destabilizing, heretical idea” with a bloody history, writes George Makari, a historian of psychiatry. In this fascinating work, he explains how Enlightenment thinkers wrestled with the conundrum as ideas about the mind helped shape the French Revolution and horrific madhouses.

The difficulty persists. Most people believe in an afterlife and experience consciousness as a resident of the home, rather than the bricks. We talk of mind/body approaches to medicine as if doctors deal with two entities rather than one. If we have grown accustomed to our confusion, it’s only because of the hard philosophical labor and individual suffering Makari documents. *Soul Machine* is, in part, an elegant, wry, and richly detailed narrative of lives.

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Soul Machine
The Invention of the Modern Mind
by George Makari
Norton, 672 pp., \$19.95



René Descartes

For example, René Descartes, an ardent Christian, also dabbled in dissection of cow organs and considered himself a physician. He purposely exploited the ambiguity of French, translating the Latin *mentis* interchangeably as *esprit* or *âme* (soul). After he famously announced “*Cogito, ergo sum*” in 1637, his admirer Princess Elisabeth, daughter of the queen of Bohemia, began urgently questioning his logic as she struggled with what

was then called “melancholia.” Was her sadness only an aspect of her thinking? Didn’t it also come from the body?

Descartes later dedicated a book to her in which he declared that an olive-sized part of the brain, the pineal gland, was a meeting-place between the soul and passions and other input from the body. Elisabeth could blame her gland, yet it was her duty to fight it. This idea of mind-over-body didn’t just apply to emotions: When the princess wrote complaining of a fever, he told her the cause was sadness and she must apply reason to banish it.

A half-century later, in 1693, John Locke published a popular book on education and parenting that gave parents—not God or the church—responsibility for seeding “reason, conscience, and good or bad character,” in their children. Newton would write Locke a furious letter, declaring him an atheist—though, as it turned out, Newton was probably in a delirium, possibly poisoned by his alchemical experiments.

When Locke’s book was translated into French, “mind” became *esprit*, and God slipped back in. Another half-century later, we meet Jean-Jacques Rousseau, plagued by “melancholy, headaches, and bodily pains,” making an arduous journey by carriage to get medical help. On the carriage ride he met a divorced woman, with whom he had “the most gratifying sex of his life and, miraculously, it rid him of his pains.” His doctor would declare him a hypochondriac.

An orphan and social climber, Rousseau goes far, justifying his carriage conversion. His self-portrait (*The Confessions*) would say little about the soul or church and, instead, inspire a generation who sought a “unified notion of mind and body,” stressing “not so much on consciousness and reason, John Locke’s rudders, but rather the primacy of the sensitive self,” in Makari’s polite summary. We still live with a Rousseauian idea of “Nature” that vaguely includes sex, pretty landscapes, and

emotions and rejects reason, as we make choices based on the primacy of our sensitive selves.

Immanuel Kant seems to have offered the people of his time the greatest sense of resolution. Kant found a way to say that human beings enjoy freedom in a wholly deterministic universe, whether or not we have a Christian soul. Reason can't prove an afterlife, but only because reason is limited in the face of a great mystery. Kant speaks of *Seele* and *Geist* to discuss the inner life, even when his "intended meanings wildly diverged from theological definitions. As a new German discourse emerged on subjectivity and inner life, it would be plagued by this kind of semantic slippage," Makari writes. Arguing that mental illnesses were philosophical puzzles doctors couldn't address, Kant tried his hand at psychiatry, using familiar German terms for madness. He also invented his own, such as *Grillenkrankheit*, or "cricket-disease," a state in which your peace and sleep is disturbed as if by a constant chirping of crickets—a lovely metaphor for obsession.

In the 20th century, with church power in Britain and Europe replaced by the state, the new field of psychology gave up on the synthesis attempted by the Enlightenment. We now live in a "divided world," taking sides on variations of the old problem. Does a fetus have a soul? Do we have free will? What should we recommend to Princess Elisabeth: medication (machine), cognitive behavioral therapy (Lockean reason), psychodynamic therapy (Rousseau)—or God?

Although we don't know what we mean by the word "mind," we accept it. Religious or secular, rationalist or Rousseauian, in Makari's words,

we pass through our waking hours secure in the distinctly modern belief that we possess the power to think, choose, sympathize, create, love, learn, wish, and remember thanks to a domain once known as the rational soul, but now called the mind. Within its invisible labyrinth, we exist, creators and inhabitants of our inner worlds, modern hybrids of soul and machine. ♦

BCA

Funny It's Not

The lost art of writing about something that doesn't offend somebody. BY JOE QUEENAN

In preparation for an interview with Dustin Hoffman that never happened, I went to see *Kung Fu Panda 3*. This is something I would not have done unless I was preparing to interview the great American actor.

When I entered the screening room, it was completely empty. I took a seat halfway back. I did this because it was a sweet little animated film with nothing scary in it. If it had been a scary film, like *The Last Witch Hunter* or *Paranormal Activity XXXVIII* or *Grandma* and I found myself in a deserted room, I would have gone to the very last row and sat with my back to the wall so no one could sneak up from behind and *garrote* me the way a murderer did to a Supreme Court justice in *The Pelican Brief*, a film that permanently altered my moviegoing habits.

But then I thought: Wait a minute, this is crazy. If a murderer was on the loose somewhere in the multiplex, he wouldn't necessarily be looking for victims at scary movies just because *he* himself was scary. He'd be much more likely to seek his prey at a screening of an upbeat, life-affirming film like *Kung Fu Panda 3* precisely because a solitary viewer, feeling that he was in a safe environment, would not be sitting with his back to the wall. He would have taken a seat in the center of the room, where he could easily be attacked from the rear and strangled.

I almost never make the mistake of telling people what I'm working on because they always say that it's not funny, or it's already been done, or it's stupid. But this time, I did happen to

mention the story I was working on. And the person I told this to immediately said: "I don't know if you're aware of this, being the callous, insensitive person that you are, but there have been a number of tragic incidents at movie houses in recent years. And

I ditched the article about the steps one should take to avoid getting strangled at the movie house.

Instead, I moved on to an article triggered by something my son said. 'Oh, the lost art of balancing a plate of cookies on one's teacup,' he joked one evening as I was doing just that.

not just in Aurora. There was also that incident in Florida where the guy told the other guy to shut off his cell phone and he didn't so the first guy went and shot him. So I don't think writing about getting murdered at a movie theater is very funny."

"But does that mean I can't write a funny article about sharks just because people get attacked by them?" I fired back. "I mean, Matt Lauer and Kelly Ripa were in *Sharknado 2*, and nobody complained about that. And if I can't write a mildly amusing story about

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someone sneaking up on me at *Kung Fu Panda 3*, does that mean I can't write a funny article about the zany things grizzly bears get up to just because of what happened to Leonardo DiCaprio in *The Revenant*?"

"That's exactly what it means," she said. "Anytime something really bad just happened, you should avoid writing about the subject. An article about getting strangled at a screening of *Kung Fu Panda 3* because you were lulled into a false sense of security is not going to strike anybody as funny. Even an idiot like you should realize that."



Marie Antoinette, from tumbrel to guillotine (1793)

Taking this sage advice to heart, I ditched the article about the steps one should take to avoid getting strangled at the movie house. Instead, I moved on to an article triggered by something my son said. "Oh, the lost art of balancing a plate of cookies on one's teacup," he joked one evening as I was doing just that. This got us to talking about how old-timers down through the ages must have constantly referred to "the lost art" of this or that—valuable, once-ubiquitous skills that were no longer in common use.

"Oh, the lost art of writing cuneiform," an old man might wistfully sigh toward the end of the ancient Sumerians' great reign as a world power. "Why, back when Enmebaragesi of Kish was running things, scribes could churn out 50 cuneiform tablets before breakfast. You look

at the kids today trying to do that? Forget it. Those clowns have trouble writing hieroglyphics."

My son and I thought of many other situations in which the words "Oh, the lost art of this or that" might be heard. Oh, the lost art of cutting purses. Oh, the lost art of derring-do. Oh, the lost art of getting hoist on one's own petard. Eventually, we got around to talking about the French Revolution: "Oh, the lost art of tumbrel-driving," an ancient Frenchman might moan, a half-century after the French Revolution had run its course. "Why, when

I was a boy, you couldn't get a job in Paris unless you knew how to load blood-sucking aristocrats onto a tumbrel and deposit them in front of the guillotine. Today, you couldn't find anyone under the age of 50 who'd know the front end of a tumbrel from the rear."

Mais où sont les neiges d'antan?

A couple of days later I mentioned to a friend that I was working on a story about the lost art of tumbrel-driving, and she said: "Tumbrels were used to convey rapacious aristocrats to the Place de la Concorde, where they got their heads chopped off. Well, I don't know if you're aware of it or not, but people are getting their heads chopped off every day by ISIS in Syria and Iraq and Libya. So I don't think people are going to be very amused by your stupid, mean-spirited story."

"But does that mean I can't write a funny story about old people just because old people are dying every day?" I asked. "Does that mean I can't write a funny story about long, flowing scarves just because Isadora Duncan got strangled by a scarf that got caught in the wheels of a car? Does that mean I can't write a funny story about pretentious dorks who store their cigars in personal humidors and who spend hours and hours bending your ear about the impossibly subtle differences between Cuban and Dominican wrappers just because smoking causes cancer?"

"That's exactly what it means," my friend said. "You need to find something to write about that no one could possibly take offense at. Low-fat yogurt. The Easter Bunny. The ukulele revival. The little kittens that have lost their mittens."

Okay, okay—so I moved onto a story about Google Chrome sending me a message announcing that it would no longer support my operating system because it was out of date. I imagined what it would be like if other companies did the same thing: Levi's would stop supporting 501 jeans; ice cream makers would stop providing technical support for Rocky Road. The warnings would read like this:

At midnight, on May 1, we will stop supporting your pacemaker. You will no longer get security updates, so anybody will be able to hack into your unit and shut you down. Better get an upgrade, knucklehead. Keep using that Model T they planted inside your chest and see what happens.

My sage, beloved friend said that I should ditch that joke because people actually had died recently as a result of defective pacemakers. So it wasn't funny.

The more I think about it, the more I realize that my friends are absolutely right about all this. Jokes about killers sneaking up on you in movie houses are not funny. Jokes about guillotines are not funny. Jokes about defective pacemakers are not funny. From now on, I'm going to write about something that everyone thinks is funny and no one could possibly take offense at.

I'm going to write about President-elect Trump. ♦

Warren and Howard

And you thought the Spruce Goose was an oversized disaster. BY JOHN PODHORETZ

It's hard to make a bad Howard Hughes movie, but Warren Beatty has pulled it off with *Rules Don't Apply*, the first movie he's directed in 18 years and the first movie in which he's acted in 15. He is being treated kindly by the press for this calamity of a motion picture, for which there is no excuse save his advanced age, his remembered glamour, and his left-wing politics. You pick.

Howard Hughes has been one of the most reliable real-life subjects the movies have ever seen. Start with the gorgeous and fanciful *Melvin and Howard* from 1980, which accepts as true the almost certainly false claim by a man named Melvin Dummar that he picked up a hitchhiking Hughes one night outside Las Vegas and found himself the heir to the billionaire's fortune. Jason Robards plays Hughes as a bitter and homeless drifter transformed for a moment by an ordinary person's kindness in one of American cinema's most touching comedies.

Move on to *The Aviator* (2004), in which Leonardo DiCaprio provided a captivating glimpse into the young and dashing Hughes as he made movies that took years and built crazy planes that could barely fly before he began to go insane. Take a trip back in time to 1949's ice-cold *Caught*, a pretty daring portrait of Hughes during his own lifetime, in which the now-forgotten Robert Ryan played him as a ruthless and depraved lunatic. Jump forward to the 1977 TV movie *The Amazing Howard Hughes*, in which an unknown actor named Tommy Lee Jones was so incandescent in playing the man at every stage of his life that he practi-

Rules Don't Apply

Directed by Warren Beatty



cally exploded every cathode-ray tube in America.

They were all great, all these Hughes actors and all these Hughes movies. And why not? Hughes is every amazing 20th-century American story, good and bad, rolled into one. Poor little rich kid. Brilliant inventor. Play-boy obsessed with showbiz. Genius businessman with an enormous self-destructive streak. And of course, paranoid obsessive so rich he had the means to live out his craziness exactly as he demanded and ended his life alone with a pauper's beard in a hotel room watching *Ice Station Zebra* over and over again.

So what does Beatty add to the Hughes filmography? Nothing. He has taken a sure-fire winner of a subject and made a total hash of it. First, he can't decide whether the movie is about Hughes, whom he plays, or about two twentysomethings who exist in his orbit in the years between 1958 and 1964. The first half-hour is about the kids, and it's so incompetently and bizarrely told that you don't know how much time is passing between the scenes—could be two weeks, could be two years.

Beatty seems to have been away from the screen so long he's forgotten the rudiments of film language and editing; scenes featuring the Hollywood youngsters smash into each other so quickly you don't even know why you saw the one he's just cut away from. (*Rules Don't Apply* has four credited editors, and I'm guessing that it

has four credited editors because three of them ran away in horror.)

The girl, an actress named Marla (Lily Collins) whom he puts on retainer without ever meeting her, is cute and interesting. The boy, a driver named Frank (Alden Ehrenreich) who wants to be an affordable-housing real-estate developer, is dull and uninteresting. So when the movie ditches their story and takes up Hughes's story, who's along for the ride? Not Marla, whom we might want to spend more time with. No, it's Frank, who is as colorless as the black suit he wears.

And what is the Hughes story Beatty wants to tell? It's all of them and none of them. It's flying planes like a loon, trying to avoid having his business taken away from him by bankers, and moving from hotel to hotel. It's Hughes repeating the same phrase four times (a detail handled far better and more chillingly in *The Aviator*). He giggles unconvincingly and talks wistfully about his father, who died when he was 18. Hughes was in his fifties when the movie's action takes place. It's one thing for a lunatic in his fifties to yell at someone with whom he's having a business disagreement by saying "you're not my father," and quite another for Beatty, who's almost 80, to do it. Hughes is supposed to be crazy, not senile.

By the last 20 minutes, when the movie features superimposed titles like "Managua, Nicaragua" and "London, England" to tell you where the action is taking place—and cuts back and forth between them, showing the titles a second time, as though you might have forgotten—you just relax in your seat knowing you're seeing an all-time train wreck and you might as well sit back and enjoy the destruction. *Rules Don't Apply*, which shouldn't have been released at all, had the worst opening of any major studio film this year. The last movie to do nearly so badly was something called *Victor Frankenstein*. "Fear not," says the monster at the end of Mary Shelley's *Frankenstein*, "that I shall be the instrument of future mischief."

Warren Beatty should take this to heart and retire for good now. ♦

John Podhoretz, editor of Commentary, is THE WEEKLY STANDARD's movie critic.

"At this time of Fidel Castro's passing, we extend a hand of friendship to the Cuban people. We know that this moment fills Cubans—in Cuba and in the United States—with powerful emotions, recalling the countless ways in which Fidel Castro altered the course of individual lives, families, and of the Cuban nation. History will record and judge the enormous impact of this singular figure on the people and world around him. For nearly six decades . . ."

—President Obama's statement on the death of Fidel Castro, November 26, 2016

PARODY

THE WHITE HOUSE
WASHINGTON

April 29, 1945

Message of President Harry S. Truman
on the Death
of Premier Benito Mussolini of Italy

When I heard the news of Signor Mussolini's sudden passing near beautiful Lake Como, my thoughts turned immediately to his friends and family, and to those millions of his countrymen whose lives have been deeply influenced by the career of this remarkable figure, whose decades of leadership in his own country, and whose global impact as the father of Fascism, will be analyzed by historians in the years to come. Here, in the United States, untold numbers of Americans of Italian descent will continue the lively debate among themselves about the life and legacy of Italy's Duce.

During the past four years, the historic relations between Italy and the United States have been disrupted by the tragedy of war. This is not, however, the moment to rekindle old controversies but an opportunity to extend the hand of friendship and sympathy. Our own beloved President Franklin D. Roosevelt passed away just two weeks ago, albeit in different circumstances; but the grief felt by Americans at the loss of our wartime leader must now be shared with the people of Italy. While Mrs. Truman and I regret that we were unable to attend the Duce's impromptu memorial service at the gas station in Milan, we